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**STORAGE**





# ORDINANCES

OF THE

NORTH-WEST TERRITORIES,

*PASSED BY THE LIEUTENANT-GOVERNOR,  
IN COUNCIL,*

In the Session begun and holden at Regina on the third day of  
July, and closed on the sixth day of August, 1884,

AND

Orders in Council and Proclamations.



HIS HONOR EDGAR DEWDNEY,  
LIEUTENANT-GOVERNOR.

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REGINA :  
PRINTED BY NICHOLAS FLOOD DAVIN,  
Printer to the Government of the North-West Territories.  
1884.







GOVERNMENT HOUSE, OTTAWA.

Tuesday, 26th day of June, 1883.

PRESENT :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

**W**HEREAS, by the fifth section of the "North-West Territories Act, 1880," it is amongst other things in effect enacted, that the persons to be appointed members of the Council of the North-West Territories before entering upon the duties of their offices shall "take and "subscribe before the Lieutenant-Governor such oath of allegiance and "such oath of office as the Governor in Council may prescribe," and the sixth section of the same Act further provides that the Clerk of the said Council shall "take before the Lieutenant-Governor such oath of office "as the Governor-in-Council may prescribe."

Now, in pursuance of the powers so by the said Statute conferred as aforesaid, His Excellency, by and with the advice of the Privy Council, has been pleased to order, and it is hereby ordered,

I. That the members of the Council of the North-West Territories shall make and subscribe before the Lieutenant-Governor or some one authorized by him the Oath of Allegiance and of Office in the following words, viz. :—

*Oath of Allegiance.*

I, \_\_\_\_\_, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Dominion of Canada, dependent on and belonging to the said Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies or attempts whatever, which shall be made against Her person, crown and dignity, and that I will do my utmost endeavor to disclose and make known to Her Majesty, Her Heirs or Successors, all treasons or traitorous conspiracies and attempts which I shall know to be against Her or any of them ; and all this I do swear without any equivocation, mental evasion or secret reservation.—So help me God.

*The Oath of the Members of the Council.*

You, \_\_\_\_\_, do solemnly promise and swear that you will serve Her Majesty truly and faithfully in the place of Her Council in these Her Majesty's North-West Territories. You will keep close and secret all such matters as shall be treated, debated and resolved on in Council relative to your Executive functions, without publishing or disclosing the same or any part thereof by word, writing or any otherwise, to any person out of the same Council, and yet if any matter so propounded, treated and debated in any such Council shall touch any particular person sworn of the same Council, upon any such matter as shall in any wise concern his



loyalty and fidelity to the Queen's Majesty, you will in no wise open the same to him, but keep it secret, as you would from any person, until the Queen's Majesty's pleasure be known in that behalf. You will, in all things to be moved, treated and debated in any such Council, faithfully, honestly and truly declare your mind and opinion to the honor and benefit of the Queen's Majesty and the good of Her subjects, without partiality or exception of persons, in no wise forbearing so to do from any manner of respect, favor, love, meed, displeasure or dread of any person or persons whatsoever. In general you will be vigilant, diligent and circumspect in all your doings touching the Queen's Majesty's affairs; all which matters and things you will faithfully observe and keep as a good Councillor ought to do, to the utmost of your power, will and discretion.—So help you God.

II. That the Clerk of the Council shall take and subscribe before the Lieutenant-Governor the following oath of office:—

*Oath of Office.*

I, \_\_\_\_\_, do swear that I will bear faith and true obedience to Our Sovereign Lady the Queen, Her Heirs and Successors. I will, according to the best of my power and ability, faithfully perform such services as may be required of me as Clerk of the Council of the North-West Territories; and moreover, I do swear that the secrets of the Lieutenant-Governor in Council I will in no way reveal.—So help me God.

And whereas by the ninth section of the said Act it is further enacted that "The Lieutenant-Governor in Council, or the Lieutenant-Governor by and with the advice and consent of the Legislative Assembly, as the case may be, shall have such powers to make ordinances for the government of the North-West Territories as the Governor in Council may, from time to time, confer upon him; Provided always that such powers shall not at any time be in excess of those conferred by the ninety-second and ninety-third sections of "The British North America Act, 1867," upon the Legislatures of the several Provinces of the Dominion"

Now in pursuance of the said powers of the said statute conferred, His Excellency, by and with the advice of the Privy Council, has been pleased further to order, and it is hereby ordered, that the Lieutenant-Governor in Council, or the Lieutenant-Governor by and with the advice and consent of the Legislative Assembly, as the case may be, shall be and he is hereby empowered to make ordinances in relation to the following subjects, that is to say:—

1. The establishment and tenure of territorial offices and the appointment and payment of territorial officers;

2. The establishment, maintenance and management of prisons in and for the North-West Territories;

3. Municipal Institutions in the Territories subject to any legislation by the Parliament of Canada heretofore or hereafter enacted;

4. The issue of Shop, Auctioneer and other licenses, except licenses for the sale of intoxicating liquors, in order to the raising of a revenue for territorial or municipal purposes;

5. The solemnization of marriage in the Territories;



6. The administration of justice including the constitution, organization and maintenance of territorial courts of civil jurisdiction ;
7. The imposition of punishment by fine, penalty or imprisonment for enforcing any territorial ordinances ;
8. Property and Civil Rights in the Territories—subject to any legislation by the Parliament of Canada on these subjects ;
9. Generally all matters of a merely local or private nature in the Territories.

JOHN J. MCGEE,  
Clerk, Privy Council.



Payment of Fines or Penalties Under Criminal Laws of Canada  
in North-West Territories and District of Keewatin.

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GOVERNMENT HOUSE, OTTAWA,  
29TH DAY OF JUNE, 1884.

PRESENT :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

On the recommendation of the Minister of Justice, His Excellency the Governor General has been pleased to order and it is hereby ordered, that the Order in Council dated 6th July, 1877, requiring all Justices of the Peace and other persons in the North-West Territories and District of Keewatin, who have collected or may collect any fines or penalties under the Criminal Laws of Canada, in respect of which no provision to the contrary exists, to pay the amounts to either the Lieutenant-Governors of the North-West Territories or Keewatin; or to one of the Stipendiary Magistrates of the North-West Territories, or to the Commissioner of the North-West Mounted Police, be and the same is hereby repealed, and that in place thereof, all Justices of the Peace and other persons in the North-West Territories who have collected or may collect any fines or penalties, under the Criminal Laws of Canada, in respect of which no provision to the contrary exists, be required to pay, every quarter, the amounts so collected to the Lieutenant-Governor of the North-West Territories, and similarly that all Justices of the Peace and other persons in the District of Keewatin so collecting fines or penalties shall pay the same every quarter to the Lieutenant-Governor of Manitoba in his capacity as Lieutenant-Governor of Keewatin, and that where possible, the parties collecting any money as aforesaid shall deposit the same to the credit of the Receiver-General of Canada in some chartered bank to be named by the Lieutenant-Governor for the purpose, forwarding the deposit receipts to the Lieutenant-Governor in the place of the money,—and where such a course is practicable, they shall forward a Post Office Order for the amount in favor of the said Lieutenant-Governor. And any moneys so received by the said Lieutenant-Governors shall be by them deposited in the Bank of Montreal, Winnipeg, to the credit of the Receiver-General of Canada.

JOHN J. MCGEE,  
Clerk, Privy Council.



## PROCLAMATION.

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VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc.

E. DEWDNEY,

[SEAL]

Lieutenant-Governor.

To all to whom these presents shall come or whom the same may concern—

### GREETING :

Whereas, by the fifteenth section of the Act of Parliament of Canada, passed in the forty-third year of Her Majesty's reign, known as "The North-West Territories Act, 1880," it is amongst other things in effect enacted :

That when and so soon as the Lieutenant-Governor is satisfied that any portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unfranchised Indians, the Lieutenant-Governor shall, by proclamation, erect such portion into an Electoral District by a name and with boundaries to be respectively declared in the proclamation ;

And whereas, I am satisfied that the portion of the North-West Territories, hereinafter designated, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unfranchised Indians ;

Now know you, that under and by virtue of the powers imposed upon and vested in us by the hereinbefore in part recited section of the said North-West Territories Act, I do hereby proclaim and declare as follows :

That the portion of Territory comprised in the following group of Townships and bounded by the outside lines of the outer Townships of the said group, is erected into an Electoral District by the name of

### CALGARY,

*Namely: West of Fourth Principal Meridian :*

Range XXVIII, Townships numbered 19, 20, 21, 22 and 23 ;

Range XXIX, Township numbered 18 and Fractional Townships numbered 19, 20, 21, 22, 23, 24 and 25 ;

Range XXX, Fractional Township numbered 18.



*West of Fifth Principal Meridian :*

Range I, Townships numbered 18, 19, 20, 21, 22, 23, 24 and 25 ;  
Range II, Townships numbered 18, 19, 20, 21, 22, 24 and 25 ;  
Range III, Township numbered 25.

Of which all persons whom these presents may concern are hereby required to take notice and govern themselves accordingly.

In testimony whereof we have caused the seal of the North-West Territories to be hereunto affixed. Witness, His Honor Edgar Dewdney, Lieutenant-Governor of the North-West Territories, at Government House, Regina, this twenty-ninth day of May, in the year of our Lord One Thousand Eight Hundred and Eighty-Four, and in the forty-seventh year of Her Majesty's reign.

By Command,

A. E. FORGET,  
Clerk of Council.



## PROCLAMATION.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc.

E. DEWDNEY,

[SEAL]

Lieutenant-Governor.

To all to whom these presents shall come or whom the same may concern—

## GREETING:

Whereas, by the fifteenth section of the Act of Parliament of Canada, passed in the forty-third year of Her Majesty's reign, known as "The North-West Territories Act, 1880," it is amongst other things in effect enacted:

That when and so soon as the Lieutenant-Governor is satisfied that any portion of the North-West Territories, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unfranchised Indians, the Lieutenant-Governor shall, by proclamation, erect such portion into an Electoral District by a name and with boundaries to be respectively declared in the proclamation;

And whereas, I am satisfied that the portion of the North-West Territories, hereinafter designated, not exceeding an area of one thousand square miles, contains a population of not less than one thousand inhabitants of adult age, exclusive of aliens or unfranchised Indians;

Now know you, that under and by virtue of the powers imposed upon and vested in us by the hereinbefore in part recited section of the said North-West Territories Act, I do hereby proclaim and declare as follows:

That the portion of Territory comprised in the following group of Townships and parts of Townships and bounded by the outside lines of the outer Townships or parts of Townships of the said group, is erected into an Electoral District by the name of

## MOOSE MOUNTAIN,

*Namely: West of First Principal Meridian.*

Range XXXIII, Townships numbered 7, 8, 9, 10 and 11;

Range XXXIV, Fractional Townships numbered 7, 8, 9, 10 and 11;



*West of Second Principal Meridian.*

- Range I, Townships numbered 5, 6, 7, 8, 9, 10 and 11 ;  
Range II, Townships numbered 5, 6, 7, 8, and such portion of Township numbered 9, as may not be included in Indian Reserve ;  
Range III, Townships numbered 5, 6, 7, 8, and such portion of Township numbered 9, as may not be included in Indian Reserve ;  
Range IV, Townships numbered 7, 8 and 9 ;  
Range V, Township numbered 8, and such portion of Township numbered 9, as may not be included in Indian Reserve ;  
Range VI, Such portion of Township numbered 9, as may not be included in Indian Reserve.

Of which all persons whom these presents may concern are hereby required to take notice and govern themselves accordingly.

In testimony whereof we have caused the seal of the North-West Territories to be hereunto affixed. Witness, His Honor Edgar Dewdney, Lieutenant-Governor of the North-West Territories, at Government House, Regina, this twenty-ninth day of May, in the year of Our Lord One Thousand Eight Hundred and Eighty-Four, and in the forty-seventh year of Her Majesty's reign.

By Command,

A. E. FORGET,  
Clerk of Council.



## PROCLAMATION.

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VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc., etc.

EDGAR DEWDNEY,

[SEAL]

Lieutenant-Governor.

To all to whom these presents shall come or whom the same may concern :

### GREETING :

Whereas by section one of "The Administration of Civil Justice Ordinance, 1884," the North-West Territories have been divided into three Judicial Districts, named respectively Assiniboia, Alberta and Saskatchewan, distinguished by boundaries as therein set forth ;

And whereas by section two of the said Ordinance, it is in effect enacted that the Lieutenant-Governor may, at any time, by proclamation, divide any one or more of the said Judicial Districts into two or more divisions, and give to each of them an appropriate name ;

Now know ye, that under and by virtue of the powers so vested in us, we do proclaim and declare as follows :

Firstly—

The "Assiniboia Judicial District" shall, from and after the first day of January next, be divided into two divisions, named and bounded respectively as follows :

- (1) The "Regina Division," comprised of all that portion of the said district lying east of the one hundred and seventh Meridian of West Longitude ; and
- (2) The "Medicine Hat Division," comprised of all the remaining portion of the said District.

Secondly—

"The Alberta Judicial District" shall, from the date hereof, be divided into two divisions, named and bounded respectively as follows :

- (1) The "Calgary Division," comprised of all that portion of the said District, lying north of the line dividing Townships sixteen and seventeen ; and

- (2) The "Fort Macleod Division," comprised of all the remaining portion of the said District.

Thirdly—

The "Saskatchewan Judicial District" shall, from the date hereof, be divided into three divisions, named and bounded respectively as follows:

- (1) The "Edmonton Division," comprised of all that portion of the said District lying west of the western boundary of the Provisional District of Saskatchewan;
- (2) The "Battleford Division," comprised of all that portion of the said Judicial District lying east of the "Edmonton Division" and west of the one hundred and seventh Meridian of West Longitude;
- (3) The "Prince Albert Division," comprised of all the remaining portion of the said Judicial District.

Of which all persons whom these presents may concern are hereby required to take notice and govern themselves accordingly.

In testimony whereof we have caused the seal of the North-West Territories to be hereunto affixed. Witness, His Honor Edgar Dewdney, Lieutenant-Governor of the North-West Territories, at Government House, Regina, this first day of November, in the year of Our Lord, one thousand eight hundred and eighty-four, and in the forty-eighth year of Her Majesty's Reign.

By Command,

A. E. FORGET,  
Clerk of Council.



## PROCLAMATION.

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VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc., etc.

EDGAR DEWDNEY,

[SEAL]

Lieutenant-Governor.

To all to whom these presents shall come or whom the same may concern :

### GREETING :

Whereas by section two of "The Marking of Stock Ordinance, 1884," it is in effect enacted that the Lieutenant-Governor may, whenever he thinks it desirable that the provisions of this Ordinance should apply to any part of the North-West Territories, set apart, by proclamation, any portion thereof, to form and be known as a Stock District, and designated by a number, and name, in said proclamation, a Clerk of a District Court, who shall be Recorder of Marks for such District ;

. And whereas it is desirable that the portion of the North-West Territories hereinafter described be set apart as a Stock District ;

Now know ye, that under the powers so vested in us, we do hereby proclaim, as set apart, to form a Stock District, to be designated "Stock District No. 1," all that portion of the North-West Territories bounded on the north by the Red Deer River and the South Branch of the Saskatchewan River, flowing eastward, until the one hundred and eighth Meridian of west longitude is reached, on the east by the said Meridian, on the south by the southern boundary of the said Territories, and on the west by British Columbia.

Of which all persons whom these presents may concern are hereby required to take notice and govern themselves accordingly.

In testimony whereof we have caused the seal of the North-West Territories to be hereunto affixed. Witness, His Honor Edgar Dewdney, Lieutenant-Governor of the North-West Territories, at Government House, Regina, this fourth day of November, in the year of Our Lord one thousand eight hundred and eighty-four, and in the forty-eighth year of Her Majesty's Reign.

By Command,

A. E. FORGET,

Clerk of Council.

## CANADA---NORTH-WEST TERRITORIES.



Whereas by section ninety-seven of the Administration of Civil Justice Ordinance, 1884, it is provided that "The Clerks and other officers performing service under the provisions of this Ordinance shall be paid by fees, as provided, allowed and from time to time regulated by the order of the Judges or a majority of them ;"

Now we the undersigned, Hugh Richardson, James Farquharson MacLeod and Charles B. Rouleau, Her Majesty's Stipendiary Magistrates in and for the North-West Territories, Judges of the several courts established and constituted in and by the said Ordinance, do hereby order, that the fees set forth in the Tariffs hereto attached and marked respectively "One" and "Two," shall be the fees to be received by the Clerks and other officers of District Courts in the North-West Territories, on, from and after the date of this order for and in relation to the duties and services named in the said Tariffs to be performed by them severally as officers of the said Courts.

(Signed)

HUGH RICHARDSON, S. M.  
JAMES F. MACLEOD, S. M.  
CHAS. B. ROULEAU, S. M.

Dated 1st November, A. D. 1884.

## TARIFF ONE.

Schedule of Fees payable to Clerks of the District Courts in the North-West Territories on, from and after 1st November, 1884.

DESCRIPTION OF SERVICE.		CLASS 1		CLASS 2		CLASS 3		CLASS 4		CLASS 5	
		\$	c.	\$	c.	\$	c.	\$	c.	\$	c.
1	Fee for receiving, entering in Docket, and filing every claim for suit.....	—	25	—	25	—	25	—	25	—	25
2	" " Preparing and issuing Summons or other original process, and transmitting or delivering to officer for service.....	—	50	—	75	1	00	1	50	2	00
3	" " Copy of Summons or other original process for each defendant.....	—	25	—	40	—	60	—	75	1	00
4	" " Each copy of Claim to attach to copy of original Summons or process (if under 2 folios) .....	—	25	—	25	—	25	—	25	—	25
	If over 4 folios, per folio	—	10	—	10	—	10	—	10	—	10



DESCRIPTION OF SERVICE.		CLASS 1		CLASS 2		CLASS 3		CLASS 4		CLASS 5	
		\$	c.	\$	c.	\$	c.	\$	c.	\$	c.
5	Fee for receiving and entering return of each summons or process.....	—	10	—	10	—	10	—	20	—	25
6	“ “ Inscribing case on each Court List.....	—	10	—	25	—	40	—	50	—	60
7	“ “ Hearing fee, in all cases payable by Plaintiff or claimant when case inscribed for hearing.....	1	00	2	00	3	00	4	00	5	00
8	“ “ Hearing fee, in all cases payable by defendant or other party disputing plaintiff's or claimant's claim when setting up dispute or defence.....	1	00	2	00	3	00	4	00	5	00
9	“ “ Taxing costs and entering each judgment.....	—	50	1	00	2	00	3	00	4	00
10	“ “ Preparing, issuing, indorsing and delivering to officer for execution each final process or renewal thereof.....	—	50	—	75	1	00	1	50	2	00
11	“ “ Every subpoena or summons for jury.....	—	25	—	50	—	50	—	50	—	60
12	“ “ Every copy of subpoena or last named summons.	—	10	—	20	—	25	—	25	—	30
13	“ “ Examining and approving every affidavit necessary for issue of process.	1	00	2	00	2	00	2	00	2	00
14	“ “ Every transcript of judgment.....	1	00	2	00	3	00	4	00	5	00
15	“ “ Making each copy required of proceedings, evidence or documents (not exceeding 2 folios of 100 words).....	—	25	—	25	—	25	—	25	—	25
	Exceeding 2 folios, per folio.....	—	10	—	10	—	10	—	10	—	10
16	“ “ Every search by person not a party to the suit....	—	50	—	50	—	50	—	50	—	50
17	“ “ Every other search.....	—	25	—	25	—	25	—	25	—	25
18	“ “ Every certificate with or without seal.....	—	50	—	50	—	50	—	50	—	50
19	“ “ Taking every affidavit..	—	25	—	25	—	25	—	25	—	25
20	“ “ Taking account under Judge's order of reference, (per hour).....	2	00	2	00	2	00	2	00	2	00
21	“ “ Every summons or order of Judge.....	—	50	—	50	—	50	75	1	00	00
22	“ “ Filing every affidavit used on motion before Judge for summons or order.....	—	10	—	10	—	10	—	1	—	10
23	“ “ Making up and transmitting each appeal case, exclusive of fees for copies of necessary papers and postage.....					10	00	10	00	10	00

The fees in column "Class one" to include all suits for money, demands or damages in which the amount claimed does not exceed \$50 ;

In "Class two," money, demands or damages exceeding \$50, up to and including \$250 ;

In "Class three," money, demands and damages exceeding \$250, up to and including \$500 ;

In "Class four," money, demands and damages exceeding \$500, up to and including \$1,000 ;

In "Class five," money, claims and demands exceeding \$1,000, as also cases when recovery for possession of real estate is sued for or title to real estate is in question between the parties, also interpleader cases instituted by parties other than the Sheriff or officer acting under process unless otherwise ordered by the Judge who tried the case :

In garnish proceedings the scale of fees chargeable to be ascertained by the amount of the Primary Creditor's claim or judgment ;

In replevin proceedings, by the value of the property sought to be, replevied as sworn to, by or on behalf of the Plaintiff ;

In interpleader, by the Sheriff or officer acting under process by the amount of the Plaintiff's claim or judgment as shown by the face of the process under which the property interpleaded for is seized or taken.

#### IN SURROGATE MATTERS.

Fee for receiving and entering application for Probate or administration attending Judge with and for all other necessary attendances. Receiving and delivering to party entitled to Probate or Letters of Administration in each case :—

If estate under \$500.....	\$10.00
" " \$500 and under \$1,000.....	15.00
" " \$1,000 and under \$3,000.....	20.00
" " \$3,000 and under \$5,000.....	30.00
" " \$5 000 and over.....	50.00

H. R.  
J. F. M.  
C. B. R.



GOVERNMENT HOUSE, OTTAWA,

Saturday, 25th day of October, 1884.

PRESENT :

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

ON the recommendation of the Minister of Justice, and under the provisions of the 2nd Section of the Act 47 Victoria, chapter 23, intituled "An Act to amend the North-West Territories Act, 1880," His Excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to make and does hereby make the following schedule appointing the fees to be paid to Deputy Sheriffs in the North-West Territories, for the services therein mentioned.

JOHN J. MCGEE,

Clerk, Privy Council.

IN CIVIL MATTERS.	CLASS A		CLASS B	
	\$	c.	\$	c.
Fee for receiving, entering, endorsing and returning every summons, writ and other process issued out of a Court, and order or other document signed by a Judge requiring service.....	1	00	—	50
" " Service of the above (except summons to Jury and subpoena) upon each defendant, or party to be served, including affidavit of service.....	1	50	1	00
" " Service of summons, on each Juror, and service of subpoena on each person named therein.....	—	50	—	50
" " Every warrant to Bailiff.....	—	75	—	50
" " Every Jury sworn, arrest under warrant, bond required to be taken to the Sheriff for securing goods attached, indemnity or other purposes.....	2	00	2	00
" " Assignment of bail bond or bond to the limits.....	1	00	1	00
" " Executing every writ of possession or restitution.....	4	00	2	00
" " Delivering Goods replevied to a Plaintiff.....	6	00	4	00
" " Every search (not being by a party to the cause).....	—	50	—	30
" " Every certificate of search (when required).....	—	50	—	50
" " Seizing estate or effects under attachment.....	2	00	1	00
" " Every notice of sale of goods (in each case).....	—	75	—	50
" " Every notice of sale of lands (in each case).....	1	50	1	50
" " Every notice of postponement.....	—	50	—	25
" " Every schedule of goods taken in execution or seized under attachment, including copy for party whose goods are taken or seized (when not exceeding 500 words).....	1	00	1	00
" " (Every 100 words over 500).....	—	20	—	20
" " Making every affidavit (other than of service) besides fee paid out for oath.....	—	50	—	50
" " Mileage for every mile necessarily travelled and sworn to, in serving and executing summons, writs and other processes and papers of every description from the place where the same are severally received, or the Sheriff's Office, (whichever is nearest, to the place of service or execution, as aforesaid, and return.....	—	10	—	10

IN CIVIL MATTERS.	CLASS A		CLASS B	
		c.	\$	c.
Fee for poundage on executions and attachments in the nature of executions (to include seizure in each case) when the sum realized shall not exceed \$400. 5 per cent. Do. when the sum realized is over \$400 and does not exceed \$4000. 2½ per cent. Do. when the sum realized is over \$4000. 1½ per cent. Besides such sum as may be actually disbursed for advertising in such case when required by law. And such sums for care and removal of property seized or taken, as may be approved (in each case) by a Stipendiary Magistrate,				
" " Drawing up advertisement when required by law to be published or posted up.....	1	50	1	50
" " Bringing up prisoner on attachment or <i>habeas corpus</i> , besides travel at 20 cents per mile.....	1	50	1	00
" " Mileage in any case where the hire of means of transportation other than that of railway is necessary, such sum in addition to the ordinary charge for mileage, as a Stipendiary Magistrate may allow.				

N. B.—The fees in each instance to be payable in advance by the party at whose instance the service is required to be performed, or an amount approximated by the Deputy Sheriff to be deposited.

The class A to apply to all matters in which the claim made exceeds \$100; and proceedings by Interpleader, Replevin, Garnishment, or for the recovery of possession of real estate.

The Class B to apply to claims other than in Class A.

#### IN CRIMINAL MATTERS.

	\$	cts.
Fee for summoning Jury. Each Juror served.....		50
Fee for conveying prisoners convicted and sentenced to penitentiary, to that institution (exclusive of disbursements) per day absent.....		6.00
Actual disbursements in taking care of, guarding and conveying such prisoners.		
Fee for superintending execution in capital cases. Each.....		20.00
Actual and necessary expenses and disbursements connected with the carrying out of such capital sentences.		
Fee for executing every warrant (to be paid by Government or private party as may be ordered).....		2.00
Fee for mileage. For every mile necessarily travelled in making arrest, and conveying prisoner to gaol or court, as the case may be.....		20
Fee for mileage in other cases. For every mile necessarily travelled.....		15
Fee for attendance at every court, Civil or Criminal. For every day certified by a Judge....		5.00
Fee for levying fines or other moneys by distress warrants. The same percentage on the amounts realized as are allowed in Civil matters.		
Fee for mileage in any case where the hire of means of transportation other than that of railway is necessary, such sum in addition to the ordinary charge for mileage as a Stipendiary Magistrate may allow.		



# CANADA---NORTH-WEST TERRITORIES.



No. 1 of 1884.

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## *An Ordinance Respecting the Herding of Animals.*

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*Passed 18th July, 1884.*

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Upon application as in Form "A" in the appendix to this Ordinance, signed by two-thirds of the male occupants of lands resident for three months, over twenty-one years of age, of any district not less than one hundred and forty-four square miles, the said application being verified on oath before a Justice of the Peace or a Notary Public, as in Form "B" in the appendix to this Ordinance, the Lieutenant-Governor may by order erect such district into a Herd District, to be under the operation of the following sections of this Ordinance (no reasonable objection being raised thereto) ; provided that a notice in the Form "C" in the appendix, or to the like effect, of the intention to make such application has been published in some newspaper within the boundaries of such proposed district for two weeks, or if there is no newspaper so published, then in the nearest newspaper in the Territories. A sum of money sufficient to cover the costs of advertising the order shall accompany each such application.

2. Such order shall fix a date, such date not being later than fourteen days from the date of the order, from and after which the provisions of this Ordinance shall apply to the district so created, and such order shall be published in the Official Gazette.

3. Upon an application signed by two-thirds of those qualified as aforesaid in any section of country proposed to be added to an existing herd district, or of any section of country proposed to be withdrawn

from the operation of the provisions of this Ordinance, verified under oath as aforesaid, and advertised as aforesaid and accompanied by a sum of money as aforesaid, the Lieutenant-Governor may by order add such section of country to such existing herd district, or withdraw such section of country from the operation of the provisions of this Ordinance, as the case may be, and such order shall fix a date (such date not being later than fourteen days from the date of the order), from and after which it shall come into force, and such order shall be published in the Official Gazette.

4. The Lieutenant-Governor, for the purposes of this Ordinance, may appoint in any Herd District one or more poundkeepers for impounding animals distrained under this Ordinance, and in every such appointment the place where such pound shall be kept shall be defined.

5. The owner or occupier of any land within any such herd district may distrain all animals doing damage upon his or her cultivated lands, and when any such distress is made, the distrainer shall keep such animals in some secure place other than the public pound until his or her damages are appraised, or if damages are not claimed the owner or occupier may impound at once, notifying the poundkeeper that damages are not claimed.

6. As soon as practicable after such distress, if damages are claimed the distrainer shall notify the owner of the animal so distrained, if known to the distrainer, and if such owner does not, within twelve hours after receiving such notice, pay the damages claimed by the distrainer, the latter shall within forty-eight hours after such distress, unless the same is made on Sunday, in which case before the Wednesday morning thereafter, apply to a Justice of the Peace having jurisdiction within the said district, who shall appoint three disinterested inhabitants of such district to appraise the damages; such appraisers shall each receive as compensation for their services two dollars for making the appraisal and five cents per mile as mileage in going to and returning from the place where the damages are sustained, to be paid in the first instance by the distrainer, the distance travelled by the appraisers and their fees to be made part of the returns of said appraisers.

7. Such distress shall be made at any time before such animals doing damage as aforesaid escape from such lands or while followed and kept in sight by the party sustaining damages, or by any person being on the said land at the time such damage is done, and without regard to the sufficiency of the fence thereon.

8. The appraisers shall immediately after their appointment be sworn faithfully to perform their duty, by any Magistrate having jurisdiction in the said district, and proceed to the place and view the damages done, and they may take the evidence of any person of the facts or circumstances necessary to enable them to ascertain the extent of such damage,



and for this purpose the appraisers, or either of them, are authorized to administer an oath to every such witness.

9. The appraisers shall ascertain and certify under their hands the amount of such damage, with fees for their services as aforesaid.

10. Within twenty-four hours, Sunday excepted, after the damages are so appraised, unless the amount so ascertained and the fees of the appraisers and fifty cents justice fees are paid or tendered to the distrainer, he shall cause the animals distrained to be put in the nearest pound in the same district, there to remain until the same are sold, as hereinafter directed, or until the damages so certified and the fees of the appraisers and justices and costs of keeping such animals, together with the poundkeeper's fees, are paid, and if such animals are put in any pound, the distrainer shall deliver the certificate of the appraisers to the keeper of such pound.

11. The poundkeeper shall receive, keep and properly feed the animals so delivered to him in the public pound, and shall within ten days sell such animals, or so many of them as are necessary at public auction, giving at least six days' notice of such sale by posting the same at such pound and at three of the most public places in the district.

12. From the proceeds of such sale the poundkeeper shall retain sufficient to pay the amount of his fees and the cost of keeping such animals, as fixed in Ordinance No 6 of 1881, intituled "An Ordinance respecting Trespassing and Stray Animals," and he shall pay to the distrainer the damages so certified, with fees of the appraisers and the justices, and if there is any surplus the same shall be paid to the owner of such animals, if known, but if no owner appears at the time of such sale or within one week thereafter and claims such surplus, the same shall be paid to the Lieutenant-Governor of the North-West Territories.

13. The Lieutenant-Governor shall pay such surplus money if claimed within one year after the distress to the owner of such animals, but if not claimed within that time such surplus money shall be applied to the public purposes of said district, as directed by the Lieutenant-Governor in Council.

14. The owner of such animals shall be liable in an action at law for all damages done by such animals, without regard to the sufficiency of the fences on the lands on which damage is done, to be recovered in any court of competent jurisdiction.

15. If any person without the authority of law and without first paying the damages and costs, takes such animals after being distrained out of the possession of the person making distress or out of the possession of the poundkeeper (as the case may be) without his consent, then such person shall be liable to be punished therefor by fine not exceeding one

hundred dollars, or, in default of payment thereof by imprisonment not exceeding three months, and shall also be liable to double the amount of damages committed by such animals to the person injured thereby, to be enforced and collected in a summary way before two Justices of the Peace.

16. The provisions of this Ordinance shall not apply in the districts west of range sixteen west of the third principal meridian.

17. Ordinance No. 10 of 1883 is hereby repealed, provided that such repeal shall not affect herd districts already erected, but as to such districts the provisions of this Ordinance shall hereafter apply.

18. This Ordinance may be known and cited as "The Herd Ordinance of 1884."

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## APPENDIX.

### FORM A.

*Referred to in Section One.*

To His Honor the Lieutenant-Governor of the North-West Territories :

The application of the undersigned sheweth :

That it is desirable to put in force within (here describe the area) the provisions of "The Herd Ordinance of 1884" ;

That your applicants comprise two-thirds of those qualified to present this application under the provisions of the said Ordinance ;

Your applicants therefore pray that your Honor may be pleased to cause the proper order to be issued constituting the above-described area into a Herd District as provided by the said Ordinance.

A. B., C. D., E. F., etc.

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### FORM B.

*Referred to in Section One.*

I, A. B., of do make oath and say :

That the total number of persons in the area described in the annexed application qualified to present this application under the Herd Ordinance of 1884 is persons, and of the above number persons have signed the same ;

That I was personally present and did see the parties whose names are attached thereto sign the same, and each of them before signing the same was cognizant of the contents thereof.

[N. B. If no one person can verify all the signatures attached to the application, the above form may be altered to meet the circumstances.]



## FORM C.

*Referred to in Section One.*

Notice is hereby given that after the expiration of four weeks from the date of the first publication of this notice application will be made to the Lieutenant-Governor for the erection of the following area of lands, to wit : (Describe the boundaries of the proposed districts), into a herd district (or to be added to an existing herd district, naming the same, or to be withdrawn from the operation of the provisions of the herd Ordinance, as the case may be) under the provisions of "The Herd Ordinance of 1884."

Dated at

A.D. 18

(Signed)

A. B.  
C. D.  
E. F.

First published

day of

A. D. 18

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## No. 2 of 1884.

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*An Ordinance to Amend and Consolidate as Amended  
the Registration of Titles Ordinance of 1878 and  
the Ordinance Amending it.*

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*Passed 6th August, 1884.*

Whereas it is desirable to amend and as amended consolidate the law as regards the registration of deeds and other instruments relating to lands in the North-West Territories,

Therefore be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. This Ordinance shall be known and may be described as the "Registration of Titles Ordinance of 1884."

2. All former Ordinances providing for the registration of deeds and other instruments relating to lands are hereby repealed as also any Ordinance amending the same, but such repeal shall in no wise affect registrations made or any acts done or rights acquired by virtue of or under any such Ordinances.

3. The following instruments affecting lands in the North-West Territories may be registered under the provisions of this Ordinance : Every Crown grant, Order-in-Council of the Dominion or of the Territories, deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease for a longer term than seven years, release, discharge, power of attorney or substitution thereof under which any deed, conveyance, assurance, discharge of mortgage or other instrument is executed, bond or agreement for sale or purchase of land, letter of attorney, will, probate of will, grant of administration with the will annexed, municipal road by-law, certificate of any proceedings in any Court, decree of foreclosure, and every other certificate or decree of any Court affecting any interest in or title to land, any certificate of payment of taxes granted under the corporate seal of the municipality, city, or town, every deed of lands executed by any official by virtue of his office, every contract in writing, every commission and proceeding in lunacy, and every other instrument whereby lands or real estate may be transferred, disposed of, charged, incumbered or affected in any wise in law or in equity, and all maps and plans of land sub-divided into smaller parcels for the purpose of sale subject to the provisions hereinafter contained.

(1) And the word "land," when used in this Ordinance, shall mean lands, tenements, hereditaments, appurtenances and real estate.



4. The duties of each registrar shall be :

(a) To attend at his office and keep open the same for the transaction of the business thereof on all days, except Sundays and statutory holidays, between the hours of ten in the forenoon and four in the afternoon, and no instrument shall be registered by him on any holiday, nor shall any instrument be received by him for registration except within the hours named ;

(b) To keep a proper registry book in which shall be recorded all instruments other than those referred to in the succeeding sub-section, and in which book shall also be kept an alphabetical index of names exhibiting in columns the number of each instrument, the names of the different grantors and the names of the grantees according to Form A in the appendix of this Ordinance, the size and description of which book shall be subject to the approval of the Lieutenant-Governor ;

(c) To also keep a general registry book in which shall be recorded all wills and instruments in which there is a general devise, conveyance or power affecting lands without local description and in which book an alphabetical index of the names of all the parties mentioned by name in such instrument shall also be kept.

5. Every Registrar, before entering upon the duties of his office, shall execute and enter into a joint and several covenant in duplicate, with two sufficient sureties to be approved of by the Lieutenant-Governor, for such amounts as may be fixed by Order in Council ; such covenant to be in the following form :

Know all men by these presents that we, A. B., Registrar for  
and C. D., of and E. F., of do hereby  
jointly and severally, for ourselves and each of our heirs, executors and administra-  
tors, covenant and promise that the said A. B., Registrar for  
shall well, truly and faithfully perform the duties and obligations of his office, as such  
Registrar, and that neither he nor his deputy shall negligently or wilfully misconduct  
himself in his said office to the damage of any person or persons whomsoever ; never-  
theless it is hereby declared that no greater sum shall be recovered under this cove-  
nant against the parties hereto than the following, that is to say ; against the said A.  
B., in the whole dollars ; against the C. D. and E. F.,  
dollars respectively.

In witness whereof we have hereto set our hands and seals this  
day of 18  
Signed, sealed and delivered }  
in the presence of }

But such security may also be given and taken as provided for by Ordinance No. 2 of 1881, "An Ordinance respecting security to be given by Public Officers." Such covenant, when executed, shall be filed in the office of the Lieutenant-Governor.

## THE REQUISITES FOR AND THE EFFECT OF REGISTRATION.

6. Grants from the Crown shall be registered by the production there-

of to the Registrar, with a true copy thereof—such copy to be filed with the Registrar; and all other instruments except wills, shall be registered by the deposit of the original instrument, or by the deposit of a duplicate or other original part thereof, with all the necessary affidavits.

7. Every will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, or an exemplification thereof under the seal of any court of the North-West Territories, or in Great Britain and Ireland, or in any British Province, Colony or Possession, having jurisdiction therein, and by the deposit of a copy of such probate, letters of administration, or exemplification thereof.

8. In the case of an instrument other than a will, a subscribing witness to such instrument shall, in an affidavit setting forth his name, place of residence, and addition or calling, in full, swear to the following facts:

- (1) To the execution of the original and duplicate, if any there be;
- (2) To the place of execution;
- (3) That he knew the parties to such instrument, if such be the fact; or, that he knew such one or more of them, according to the fact;
- (4) That he is a subscribing witness thereto.

9. The said affidavit shall be in accordance with Form "B" in the Appendix hereto, or to the like effect, and shall be made on the said instrument or securely attached thereto; and such instrument and affidavit shall be copied at full length in the registry book.

10. When any instrument is executed by one or more grantors, but not by all of them, in the presence of the same witness or witnesses, and by one or more of the other parties thereto in presence of another witness or other witnesses, then in such case the witness or one of the witnesses, whether the same be so executed in the same or in different places, shall make an affidavit in accordance with the 8th section as to each separate and distinct execution of the instrument before the same shall be registered.

11. Every affidavit made under the authority of this Ordinance shall be made before any of the following persons:

- (1) If made in the North-West Territories, it shall be made before—

The Registrar, Notary Public, or a Justice of the Peace of the North-West Territories;



(2) If made in any other part of the Dominion of Canada, it shall be made before—

A Judge or Prothonotary of any Court of Record,—

Or before a Commissioner for taking affidavits in any such Court,—

Or before a Notary Public, certified under his official seal ;

(3) If made in Great Britain or Ireland, or in any British Colony, or Possession other than Canada, it shall be made before—

A Judge of any Court of Record within his jurisdiction,—

Or before the Mayor or chief Magistrate of any city, borough, or town corporate therein, and certified under the common seal of such city, borough, or town corporate,—

Or before any Notary Public, certified under his official seal ;

(4) If made in any foreign country, it shall be made before—

The Mayor of any city, borough, or town corporate, and certified under the common seal of such city, borough, or town corporate,—

Or before any Consul or Vice-Consul of Her Majesty resident therein,—

Or before a Judge of a Court of Record or a Notary Public, certified under his official seal.

12. The proof may either be by affidavit or by affirmation or declaration when by the law of the country where such proof is made an affirmation or declaration may be substituted for an affidavit ; and the Registrar shall receive such instruments so proved without any other or further proof of their due execution.

13. Every notarial copy of any instrument executed in the Province of Quebec, the original of which is filed in any notarial office according to the laws of the said Province, and which cannot therefore be produced in the North-West Territories, and every Prothonotarial copy of any instrument executed in the said Province, shall be received in lieu of and as *prima facie* evidence of the original instrument, and may be registered and treated under this Ordinance for all purposes as if it were in fact the original instrument, and such notarial and prothonotarial copy shall be registered without any other proof of the execution of the same or of the original thereof, with the seal of the notary or prothonotary attached.

14. Every subscribing witness shall be compelled, when necessary, by order of a Stipendiary Magistrate, to make affidavit or proof of the execution of any instrument for the purpose of registration under this Or-

dinance, and to do all other acts necessary for the same purpose, upon being paid or duly tendered his reasonable expenses therefor.

15. None of the persons authorized to take affidavits by this Ordinance shall take any affidavit of the execution of any instrument in case he is a party to such instrument, nor shall any such affidavit of the proof of any instrument executed hereafter be taken from any witness unless such witness has subscribed his name in his own handwriting as such witness.

16. When the witnesses to any instrument are dead or are out of the North-West Territories, or have become insane, idiotic, imbecile, or of unsound mind or understanding, and whether so found by inquisition or not, or wherever any instrument by law requiring an attesting or subscribing witness thereto has been executed without any attesting or subscribing witness thereto, or in case it is proved to the satisfaction of a Stipendiary Magistrate that the place of abode or residence of such first above-mentioned witness is unknown, any person who is or claims to be interested in the registration of the instrument may make proof before a Stipendiary Magistrate for the North-West Territories of the execution of such instrument, and upon a certificate endorsed on such instrument and signed by such Stipendiary Magistrate that he is satisfied by the proof adduced of the due execution of the instrument, the Registrar shall Register such instrument and certificate. (Such certificate shall be in the Form "C" in the Appendix hereto.)

17. The seal of any court of record affixed to any instrument in writing, of itself, and the seal of any corporation affixed to any such instrument or other persons thereunto appointed, shall, with the signature of the secretary or presiding officer thereof, be sufficient evidence of the due execution of the same by the Judge, Registrar, Clerk, or officer of the court signing the same, or by the corporation respectively, for all purposes respecting the registration thereof; and no further evidence or verification of such execution shall be required for the purpose of registry.

18. When a power of attorney or any substitution thereof is registered, the Registrar shall deliver a certified copy or copies of such power or substitution as may be required of him, under his signature, in which certificate he shall declare the time, place, and other particulars of registration, as in other cases under this Ordinance, and he shall also declare that the copy which he so delivers is a true copy of the power or substitution and that the original has been duly deposited in his office according to law, and every such certified copy where the original power or substitution has been deposited as aforesaid may be registered in any other registry office by deposit thereof without production of the original power or substitution and without proof of any kind other than the production of the copy so certified as aforesaid.

19. Every such certified copy of a power of attorney or substitution



shall be received in all cases in place of the original as *prima facie* evidence of the original power or substitution and of due execution.

20. When it is desired to register an instrument other than a will in more than one registry office, the same may be registered in like manner as is provided as to powers of attorney under the preceding sections.

#### MANNER OF REGISTRATION.

21. All documents that may be registered under this Ordinance shall be registered at full length, including every certificate and affidavit accompanying the same, upon and by the delivery to the Registrar of the original instrument, when but one is executed; or when such instrument is in two or more original parts, upon and by the delivery of one of such parts.

22. In case one or two or more original parts is or are registered, the Registrar shall endorse upon each of such original parts a certificate of such registration, in the form marked "D" in the Appendix to this Ordinance; and such original so certified shall be received as *prima facie* evidence of the registration and of the due execution of the same.

23. The Registrar shall, upon production to him of the original instrument, duplicate, or other original part thereof, together with an affidavit of execution, enter the said instrument in the registry book in the order in which it is received, and he shall file the same with such affidavit of execution, and he shall endorse a certificate on every such instrument in the Form "D" in the Appendix to this Ordinance, and shall therein mention the certain year, month, day, hour and minute in which such instrument is entered and registered, expressing also in what book the same has been entered and the number of registration; which certificate shall be taken and allowed as evidence of such respective registries in all courts of law in the North-West Territories.

24. Every page of the registry book, and every instrument entered therein, shall be numbered; and the certain year, month, day, hour and minute of registration shall be entered in the margin of the registry books, in the Form "E" in the said Appendix, and such entry shall be signed by the Registrar, and shall also be endorsed upon every duplicate of such instrument, with the number at the head.

25. When any registered mortgage shall have been satisfied, the Registrar, on receiving a certificate executed by the mortgagee, or if the mortgage has been assigned and such assignment registered, then executed by such assignee or by such other person as may be entitled by law to receive the money and to discharge such mortgage in the Form "F" in the Appendix hereto or to the like effect, executed in the presence of one witness, and duly proven by the oath of the subscribing witness thereto, in the same manner as herein provided for the proof of other instruments affecting lands, shall register the same, and every affidavit

attached thereto or endorsed thereon, at full length in its proper order, in the registry book, and numbering it in like manner, as other instruments are required to be registered and numbered, and also by writing in the margin of the register wherein the said mortgage has been registered words to the following effect: "See certificate purporting to be discharged by," (naming the person who has executed the same), and "see registry number                      of such certificate                      Book," (stating the same according to the fact), and to which marginal entry the Registrar shall affix his name, and the same shall be deemed a discharge of such mortgage; and such certificate so registered shall be as valid and effectual in law as a release of such mortgage, and as a conveyance to the mortgagor, his heirs, executors, administrators or assigns, or any person lawfully claiming by, through, or under him or them, of the original estate of the mortgagor.

26. In case the mortgagee or any assignee of the mortgagee desires to release or discharge part only of the lands contained in such mortgage, or to release or discharge only a part of the money specified in the mortgage, he may do so by deed or by a certificate to be made, executed, proven and registered in the same manner as in cases where the whole lands and mortgage are wholly released and discharged; and such deed or certificate shall contain a precise description of the portion of land so released or discharged, and also a precise statement of the amount or particular sum or sums so released or discharged.

27. Every certificate of payment or discharge of the mortgage, or of the conditions therein, or of the lands or any part of the same, or of any part of the money, by the mortgagee, or his assignee, his heirs, executors, administrators, or assigns, or any one of them, at whatsoever time given, and whether before or after the time limited by the mortgage for payment or performance, shall be valid, if in conformity with this Ordinance, to all intents and purposes whatsoever as herein mentioned.

28. When a sheriff, under a writ or warrant of execution against goods, seizes any mortgage belonging to the person against whose effects the writ or warrant has issued on or affecting any lands in the North-West Territories, the payment with or without suit in whole or in part to such sheriff by the mortgagor or any other person of the mortgage money thereby secured shall discharge such mortgage to the extent of such payment.

- (1) After payment of such mortgage or any part thereof, the sheriff shall, at the request and expense of the person requiring the same, give a certificate in the form or to the effect of Schedule H in the Appendix to this Ordinance under the hand and seal of office of such sheriff;
- (2) The proof of execution of such certificate shall be in the same manner as is provided by law for the proof of registration of

other instruments affecting lands, and the certificate shall be registered in the same manner as other certificates of discharge of mortgage are registered ;

(3) Every certificate so registered, if the same is of payment in full of such mortgage, shall be as valid and effectual in law as a release of such mortgage, and as a conveyance to the mortgagee, his heirs, executors, administrators, or assigns, or any person claiming by, through or under him or them of the original estate of the mortgagor as if executed by the execution debtor ;

(4) Every certificate so registered, if the same is of payment of only a portion of such mortgage, shall be as valid and effectual in law as a release of such mortgage as to such portion as if executed by the execution debtor.

29. Every deed made by a treasurer or other officer for arrears of taxes shall be registered within eighteen months after the sale by such treasurer or other officer, and all deeds of lands sold under process issued from any court in the North-West Territories shall be registered within six months after the sale of such lands ; otherwise the parties respectively claiming under any of such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who has registered his deed prior to the registration of such deed from the treasurer or other officer.

#### EFFECT OF REGISTERING OR OMITTING TO REGISTER.

30. After any grant from the Crown of lands in the North-West Territories, and letters patent issued therefor, every instrument affecting the lands or any part thereof comprised in such grant shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such instrument is registered in the manner herein directed, before the registering of the instrument under which such subsequent purchaser or mortgagee may claim.

31. All wills or probates thereof registered within the space of twelve months next after the death of the testator or testatrix, shall be as valid and effectual against subsequent purchasers and mortgagees as if the same had been registered immediately after such death ; and in case the devisee or persons interested in the lands devised in any such will is disabled from registering the same within the said time by reason of the contesting of such will, or by any other inevitable difficulty, without his or her wilful neglect or default, then the registration of the same within the space of twelve months next after his or her attainment of such will or probate thereof or the removal of the impediment aforesaid, shall be sufficient registration within the meaning of this Ordinance.

32. The registry of any instrument under this Ordinance shall constitute notice of such instrument to all persons claiming any interest in such lands subsequent to such registry.



33. Priority of registration shall in all cases prevail, unless before such prior registration there shall have been actual notice of the prior instrument by the party claiming under the prior registration.

34. No equitable lien, charge or interest affecting land shall be deemed valid in any court in the North-West Territories as against a registered instrument executed by the same party, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Ordinance.

#### MISCELLANEOUS PROVISIONS.

35. Whenever any land has been surveyed or subdivided into town, park, or village lots, the person, corporation, or company making such survey or subdivision shall, within six months from the date of every such survey or subdivision, lodge with the Registrar a plan or map of the same, showing the number of the township or town lots and range or section or special survey, the numbers or letters of town or village lots, and names of streets, the measurement and astronomical bearings of each lot, on a scale of not less than one inch to every three hundred feet, and showing thereon all roads, streets, lots and commons within the same, with the courses and widths thereof respectively, and the width and length of all lots, and the courses of all division lines between the respective lots within the same, together with such information as will show the part of section, township and range or special survey wherein the same is situate; and every such map or plan shall be certified by some duly qualified Dominion Land Surveyor in the Form "G" of the Appendix hereto; and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on such map or plan by the name by which such person, corporation or company designates the same; and all instruments affecting the land or any part thereof, executed after such plan, shall conform thereto, otherwise the same shall not be registered; and in case of refusal by such person, corporation or company for two months after demand in writing for that purpose to lodge the said plan or map when required by any person interested therein so to do, he or they shall incur a penalty of twenty dollars for each and every calendar month the said map or plan remains unregistered; which penalty may be recovered by any person complaining in any court having jurisdiction, in like manner as a common debt.

36. In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey; and in all cases amendments or alterations of any such plan or survey may be ordered to be made at the instance of the person filing or registering the same, by any Stipendiary Magistrate for the North-West Territories, if on application duly made for the purpose, and upon hearing all the parties concerned, it shall be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as he may deem expedient.

37. A copy of any instrument registered or filed in the registry office, certified as such by the Registrar, shall be received as *prima facie* evidence in any court, in the same manner and with the like effect as if the original in his office was produced; and no original instrument shall be taken out of the registry office except upon an order from a Stipendiary Magistrate.

38. The Registrar shall, when required, make searches and furnish copies and abstracts of or concerning all instruments registered, mentioning any lot of land as described in the patent thereof from the Crown, or any lot described by number or letter on any registered map or plan, subsequent to the registration of such map or plan, or any part of a lot when the same is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey; and of and concerning all wills, deeds, orders, or other instruments recorded, as may be requested of him in writing, if a writing be demanded by the registrar, and he shall exhibit the original registered instrument, and also the books of the office relating thereto, when the party desires to make a personal inspection thereof, and shall give certificates of all copies and extracts under his hand of and concerning the parties to any of such documents, or of the witnesses to the same, or any other particulars which may be required.

39. Registration of any instrument effected by the Registrar prior to the passing of the Ordinance conforming thereto are hereby confirmed, and any Ordinance hitherto in force in the Territories respecting the registration of deeds and other instruments relating to lands are repealed.

40. The following is the Appendix, and contains the forms referred to in the foregoing sections of this Ordinance:

#### FORM A.

#### ALPHABETICAL INDEX.

*Referred to in Section 4, sub-section (b), of this Ordinance.*

No. of Instrument.	Grantor.	Grantee.	No. of Instrument.	Grantee.	Grantor.
1011	Abbott, George	Black, John	1029	Appleton, James	Buck, Peter
1015	Allen, William	Cook, Edward	1039	Angus, Robert	Coones, Joseph
1017	Anderson, James	Smith, Thomas	1056	Anson, William	Walko, James
	B			B	
1004	Bernard, John	Green, Edward	1011	Buck, John	Abbott, George
1020	Burns, Robert	Cassels, George	1070	Benson, Jessie	Crooks, Nelson
	C			C	
1039	Coones, Joseph	Angus, Robert	1015	Cook, Edwards	Allan, William
1048	Coffee, Richard	Ingram, Benjamin	1020	Cassels, George	Burns, Robert

## FORM B.

*Referred to in Section 9 of this Ordinance.*

North-West Territories. }  
To wit. }

I,                      of                      make oath and say:

1st. That I was personally present and did see the annexed (or within)  
(and duplicate, if any, according to the fact) duly signed, sealed and executed by  
and                      the party thereto.

2. That the said                      (and duplicate, if any, according to the fact)  
were executed at

3. That I know the said parties (or one or more of them according to the fact.)

4. That I am a subscribing witness to the said                      (and duplicate,  
according to the fact.)

Sworn (or affirmed) before me at                      }  
in the                      this                      }  
day of                      A. D. 18                      }

## FORM C.

*Referred to in Section 16 of this Ordinance.*

North-West Territories. }  
To wit, }

I,                      Stipendiary Magistrate for the North-West Territories, do  
certify that I am satisfied from the proof adduced by (name the person producing the  
proof and state the evidence given) with the due execution of the within instrument  
(or of the instrument whereof the within is a copy or duplicate, as the case may be.)

As witness my hand at                      the                      day  
of                      A. D. 18

## FORM D.

*Referred to in Sections 22 and 23 of this Ordinance.*

I certify that the within instrument is duly entered and registered in the registry  
office for the North-West Territories in Book                      Folio  
at                      o'clock                      on the                      day of                      A. D. 18  
.....Registrar.

## FORM E.

*Referred to in Section 24 of this Ordinance.*

Entered and registered this                      day                      of                      18  
at                      o'clock.



## FORM F.

*Referred to in Section 25 of this Ordinance.*

To the Registrar of the North-West Territories.

I, \_\_\_\_\_ of the \_\_\_\_\_ do certify that  
 hath satisfied all money due on, or to grow due on (or hath satisfied the sum of  
 to \_\_\_\_\_ which mortgage bears date the  
 day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_ and was registered in the registry office for the  
 North-West Territories on \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_ at  
 \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock of the  
 noon, in Liber \_\_\_\_\_ Folio \_\_\_\_\_ as No. \_\_\_\_\_ (here mention the day and  
 date of registration of each assignment thereof, and the names of the parties, or men-  
 tion that such mortgage has not been assigned, as the fact may be), and that I am the  
 person entitled by law to receive the money, and that such mortgage (or such sum of  
 money as aforesaid, or such part of the lands as is herein particularly described, that  
 is to say \_\_\_\_\_ ) is therefore discharged.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_

One witness. } \_\_\_\_\_ A. B.

## FORM G.

*Referred to in Section 35 of this Ordinance.*

This plan is correct, and is prepared under the provisions of the North-West Terri-  
 tories "Registration of Titles Ordinance, 1884."

(Signature of Surveyor.)

## FORM H.

*Referred to in Section 28, sub-section (1), of this Ordinance.*

## FORM OF CERTIFICATE OF DISCHARGE OF MORTGAGE BY SHERIFF, &amp;c.

I, A. B. \_\_\_\_\_ Sheriff of the \_\_\_\_\_  
 do certify that by virtue of a writ of execution, wherein C. D. is plaintiff and E. F.  
 defendant, issued out of the \_\_\_\_\_ court, and to me directed  
 I seized a certain mortgage made by one J. H., of (as described in such mortgage)  
 bearing date the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_  
 and registered at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, Liber  
 for \_\_\_\_\_ No. \_\_\_\_\_ (as the case may be) of the \_\_\_\_\_ day  
 of \_\_\_\_\_ in the same year (as the case may be) to E. F., of  
 (as described in the mortgage) the defendant in the said writ of execution  
 named, and such mortgage has not been assigned (or has been assigned to the defend-  
 ant, and such assignment has been registered as follows: (Here set out date and  
 registration of assignment), and I do further certify that I have levied from the said  
 mortgagor, his executors, administrators or assigns (as the case may be) the full  
 amount of said mortgage (or \$ \_\_\_\_\_ parcel of said mortgage), and that such mortgage is  
 therefore discharged (or that such mortgage is or to \$ \_\_\_\_\_ parcel of the moneys there-  
 by payable discharged.)

As witness my hand and seal of office \_\_\_\_\_ this \_\_\_\_\_ day of  
 A. D. 18 \_\_\_\_\_

Witness,  
 L. M.

Signed,  
 A. B.

## No. 3 of 1884.

*An Ordinance to Amend and Consolidate as Amended  
the Ordinances Respecting the Administration of  
Civil Justice in the North-West Territories.*

*Passed 6th August, 1884*

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. There are hereby formed in the North-West Territories three Judicial Districts, to be known and distinguished as and comprised within the limits hereby fixed:

- (1) The Assiniboia Judicial District, which shall comprise the provisional district of Assiniboia as defined by an order of the Privy Council of Canada dated the eighth day of May, A. D. 1882;
- (2) The Alberta Judicial District, which shall comprise all of the provisional district of Alberta, as defined by the said Order in Council, lying and being south of Townships numbered Forty-one;
- (3) The Saskatchewan Judicial District, which shall comprise all of the provisional district of Alberta lying and being north of the Alberta District, as also the provisional districts of Saskatchewan and Athabaska, as defined by the Order in Council hereinbefore named.

2. The Lieutenant-Governor may at any time, by proclamation, divide any one or more of the Judicial Districts into two or more divisions, and give to each of them an appropriate name, and, from time to time, the Lieutenant-Governor, may, by proclamation, alter the limits and extent of such divisions.

3. Courts of civil jurisdiction shall be held in every judicial district and in every division thereof appointed as aforesaid; such courts shall be Courts of Record, styled District Courts, or where divisions are created as hereinbefore provided, the words "Division," with the appropriate name in each case, shall be added after the word "court." Every such court shall have a seal, to be approved by the Lieutenant-Governor, and every process shall be sealed or stamped with the seal of the court from which it is issued.

4. The Stipendiary Magistrate resident in the judicial district shall preside over the several courts in such district, sittings whereof shall be held at least twice in each year, at such times and places as the said Stipendiary Magistrate shall fix and appoint from time to time, and the word "Judge," when it occurs hereafter in this Ordinance, shall mean "Stipendiary Magistrate."

#### JURISDICTION.

5. Subject to the provisions of any Act of the Parliament of Canada, the said courts shall respectively have jurisdiction over all matters of civil law and equity, all matters of wills and intestacy and the disposition of the estates of infants and of insane persons.

#### CLERK AND HIS DUTIES.

6. For every such Court there shall be a Clerk, to be appointed from time to time by the Judge, to hold office during pleasure, who shall be a British subject, and shall perform the duties of his office as regulated by Ordinance or as directed by the Judge aforesaid.

7. Every Clerk, before assuming the duties of his office, shall provide security in the sum of five hundred dollars by a covenant, in duplicate, according to the Form "A" in the Schedule to this Ordinance, the same being executed by one or more individuals or by the bond or policy of an incorporated company, in either case subject to the approval of the Judge, who shall certify such approval thereon; one of the said duplicates to be retained by the Judge and the other deposited in the nearest registry office for deeds.

8. Such covenant shall be available to and may be sued upon for any default, breach of duty or misconduct of any such Clerk, and a copy of every such covenant, certified by either the Registrar or Judge, shall be received in court as *prima facie* evidence of the due execution of the contents thereof.

9. If any party to any such covenant dies, or becomes insolvent, or if at any time required by the Judge, the Clerk for whom such person became surety shall, within one month after the happening of such death or insolvency or notice, give fresh security in the same manner as hereinbefore provided.

10. Every such Clerk, either before or at the first sitting of the court to which he has been appointed, shall, before the Judge, take the oath of office in the Form "B" in the Schedule to this Ordinance.

11. Every Clerk may, from time to time, when prevented from acting by illness, absence or accident, appoint a deputy clerk to act for him, who, having received the approval of the Judge, shall have all the powers and privileges and be subject to the like duties as such Clerk.



- (1) In sections of country where the convenience of the public may be the better served, the Clerk, with the approval of the Judge, may also appoint a deputy, who, being supplied with blank forms of original and *mesne* processes signed by the Clerk, may issue the same under his direction from time to time, such deputy counter-signing each one so issued and making returns of all processes so issued to the Clerk, as required by the Clerk or as directed by the Judge, and, in either of such cases, the Clerk and his sureties shall be responsible for all the acts and omission of the deputy.

12. The duties of the Clerk shall be—

- (1) To receive all complaints and other papers required by suitors to be filed in court; on payment of the proper fees, to issue all writs of summons, warrants, subpoenas, (*For subpoena see Form "E" in Appendix*), precepts, writs of execution, and other documents rendered necessary or requisite for the effectual disposition of such matters; tax costs, enter judgments, and register all judgments and orders pronounced, given, and made; keep an account of all fines, fees, and money payable or paid into court, and of all suitors' money received by him as such Clerk, entering such sum in a proper cash book to be kept for such purpose; to keep a docket book, in which shall be entered regularly, under separate headings, all the proceedings taken in any suit, all moneys received and paid out, and the persons to whom and by whom the same have been paid, which books shall be accessible at all times to suitors and the public; and to do and perform all such other acts and duties as may be necessary for the due administration of civil justice in the Territories;
- (2) To make a return, on the first day of the months of January and July in each year, verified by his oath (which oath shall be taken before the Judge or a Justice of the Peace), to the Lieutenant-Governor, showing the emoluments of his office during the six months next preceding, keeping a duplicate thereof, similarly verified, on file in the court office.

PROCEDURE.

13. The Clerk, on receiving from any person (who will thereafter be styled the plaintiff) a plain statement in writing of his complaint or cause of action, or particulars of his claim in the form of an account, and in case of a trespass or wrong complained of, with the amount of damages claimed, against any other person (thereafter to be styled the defendant), together with the places of residence, temporary or otherwise, of both parties, shall file the same in his office and issue a summons in the Form "C" of the said Appendix; and (making as many copies of the same as there are defendants, with a clear copy of the complaint or demand attached to the original summons and each copy) transmit or deliver the same to the proper officer for service and return.

## 14. Service of summons shall be effected by copy as follows :

- (1) The summons to appear may be served anywhere in the North-West Territories ; and the service shall be personal, except in matters of account when the amount claimed does not exceed fifty dollars, in which case service may be on the defendant, his wife, crservant, or some grown up and reasonable person being an inmate of the defendant's dwelling house or usual place of abode or place of trading ;
- (2) In case any defendant is residing out of the North-West Territories, but has an agent, managing clerk, or other representative resident and carrying on his business within the same, service of the summons to appear may be made on such agent, managing clerk, or other representative, who, for the purpose of being served with the summons or any other proceedings in the action requiring service on a defendant, shall be deemed the agent of such defendant ;
- (3) Upon a Judge being satisfied that there is a cause of action which arose in the North-West Territories, or in respect of a breach of contract made therein, and that the summons to appear has been served personally on the defendant without the said Territories, or that reasonable efforts have been made to effect personal service on the defendant, and that it came to his knowledge, or that he is living outside of the said Territories in order to defeat or delay his creditors, such Judge may, from time to time, direct that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Judge may seem fit ; but in every such action the plaintiff, before obtaining judgment, shall prove his claim as if the same were contested ;
- (4) Every summons issued against a corporation, and all other proceedings in an action against a corporation, requiring service on a defendant, may be served on the president or other head officer, or on the cashier, manager, treasurer, or secretary, clerk, agent or other representative, by whatsoever name or title he be known, of such corporation, or of any branch or agency thereof in the North-West Territories ; and every person who within the said Territories transacts or carries on any business of or for any corporation whose chief place of business is without the said Territories, shall, for the purpose of being served with a summons to appear, or any other proceeding as aforesaid, in an action against or at the suit of such corporation, be deemed the agent thereof ;
- (5) No case shall be heard at any sittings (except by special permission of the Judge) unless the summons to appear has been served at least fifteen days previous to the sittings named in the summons, and unless the summons be returned to the Clerk at least three clear days before the sitting of the court named therein.

15. On receiving a return of such summons, with an affidavit of service upon the defendant in the Form "D" of the said Appendix, the Clerk shall file away the same, and enter the case in the "Docket Book."

16. All periods and places for the holding of the said court shall be advertised by the said Clerk, and in the most public manner possible; and at all sittings the Clerk shall be in attendance with the docket book, and all original papers on file in his office in cases set for trial at such court.

17. At the opening of any sitting of the court, the Judge presiding at such court shall cause the parties to every suit entered upon the Court List to be called by the Clerk in rotation, to ascertain which, if any, of the cases on the said list are contested, and whenever a defendant disputes the plaintiff's claim, the presiding Judge may require the defendant to state the nature of the defence in writing, which statement, if then held a good ground of defence, shall, with the plaintiff's claim, form the issue or dispute to be tried between the parties to the suit, and for the discovery of material facts as also for the purpose of fixing the issue, either or both parties may be examined under oath. When the issue or issues are fixed, a day shall be set for the trial of the same, or the trial may be proceeded with at once.

18. Suits shall be entered and tried in the court holden in the judicial district or division where the cause of action arose, or in which the defendant, or one of several defendants, resides or carries on business at the time the action was brought.

19. A plaintiff failing to attend the trial of his cause may, unless sufficient excuse to the satisfaction of the presiding Judge be shown, or appearing and failing to establish his case, be non-suited; and, on a defendant failing to appear on a trial without sufficient excuse to the Judge being given, the plaintiff may proceed in his absence, and, in such cases, where the claim is based upon a bill, note, cheque or other document signed or endorsed by the defendant, proof of the plaintiff's claim, unless otherwise ordered, may be dispensed with, and any judgment of non-suit, unless the Judge otherwise directs, shall have the same effect as a judgment upon the merits for the defendant; but in case of any mistake, surprise or accident, or on any other sufficient reason being shown, any judgment of non-suit may be set aside on such terms as to payment of costs or otherwise as to the Judge may seem just.

20. Trials may be postponed on the application of either party on sufficient grounds therefor being shown to the presiding Judge, on such terms, as to the payment of costs or otherwise, as may be ordered.



## APPEALS.

21. In civil cases where by-law appeals are authorized, any suitor desiring to appeal may do so at any time within fifteen days after judgment pronounced, by leaving with the clerk a notice of appeal, and, thereafter providing such security as may be ordered by the Judge and within the time named in his order.

22. Upon such security being given, the summons, exhibits and all the original papers in the case, a certified copy of all the evidence and exceptions taken at the trial and of the judgment or decision given, together with (in jury cases) a report of the Judge who tried the case, shall be forwarded, without delay by the Clerk of the Court, to the Court of Appeal.

23. Pending such appeal, all proceedings in the original case shall be stayed.

24. On receipt by the Clerk of the Court of the judgment in appeal, such proceedings shall be taken by him as will carry the same into effect.

## JUDGMENT AND EXECUTION.

25. Judgments of the court shall be entered by the Clerk making up a judgment following the Form "F" in the appendix, according to circumstances, in the docket, and such entry shall be a good and sufficient judgment and record thereof.

26. Judgments of any court may be transferred to and become judgments of any other court upon a transcript of the proceedings and judgments as in Form "G" in the appendix, in the first named court being made, signed, and sealed by the Clerk with the seal of such court, which transcript, upon delivery to the Clerk of any other court, shall be filed and entered by him in his docket, and shall then become a judgment of such last named court, whereupon all proceedings may be had and taken as on any other judgment of that court. But, notwithstanding the issue of such transcript, the original judgment shall still remain in force in the court in which it was obtained.

27. In case of non-payment of the amount of any judgment or some part thereof within thirty days after the entry of the same, or as directed by a Judge, the Clerk shall, at the request of the party in whose favor the said judgment has been entered, issue a writ of execution in the Form "H" of the said appendix, for the levying of the amount due on the said judgment, and interest thereon, and costs, subsequent to such judgment, by distress and sale of the goods and chattels and personal property in the judicial district in which the same is issued (not exempt from seizure thereunder) of the party against whom the said judgment has been so entered.

28. Every writ of execution shall bear date the day of its issue, and shall remain in force for one year from its date (and no longer if unexecuted) unless renewed, but such writ may, at any time before its expiration, and so from time to time during the continuance of the renewed writ, be renewed by the party issuing it for one year from the date of such renewal by being marked in the margin with a memorandum to the effect following: "*Renewed for one year from the* day of *A. D. 18*," (signed by the Clerk), and upon every such writ, before delivery by the Clerk to the officer charged with the execution thereof, shall be endorsed a memorandum of the amount to be levied, as due on the original judgment and the fees subsequent thereto; and the production of a writ of execution marked as renewed in manner aforesaid shall be sufficient evidence of its having been so renewed.

29. No sale of personal property seized under any such writ shall be made without such sale being advertised for at least ten days by public notice thereof, describing the property to be sold, in at least twelve public places in the locality where the same is to be sold; but when the articles seized are of a perishable nature or are of such a character as not to allow of a delay of ten days, as hereinbefore provided, the same may be sold forthwith.

30. On any writ of execution against goods and chattels, the officer charged with the execution of the same may seize and sell the interest or equity of redemption in any goods or chattels, including leasehold interests in any lands of the party against whom the writ has issued, and such sale shall convey whatever interest the mortgagor had in such goods and chattels at the time of the seizure.

31. The sheriff or other officer having the execution of any writ of execution against goods, may seize any money or bank notes, any cheques, bills of exchange, promissory notes, bonds, mortgages, specialties or other securities for money belonging to the person against whose effects the writ has issued, and such sheriff or other officer may sue in his own name for the recovery of the sums secured thereby when the time of payment thereof has arrived, but no such sheriff or other party shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, bond, specialty or other security, unless the party who sued out the execution furnishes sufficient security to indemnify him from all costs and expenses to be incurred in the prosecution of the action or to which he may become liable in consequence thereof.

32. No sale of growing crops, whether grain or roots, shall take place until after the same have been harvested or threshed or taken and removed from the ground, when, after all charges for harvesting, threshing, taking and removing, have been paid and all exemptions been claimed and reserved, the balance may be subject to be sold.

33. Any person who becomes entitled to issue a writ of execution against goods and chattels may, at or after the time of issuing the same, issue a writ of execution against the lands and tenements of the person liable, (Form "H" in the Appendix), provided that not less than fifty dollars remain due and unpaid on the judgment, and deliver the same to the officer charged with the execution of the writ of execution against goods and chattels at or after the time of delivery to him of the writ against goods, and either before or after any return thereof; but such officer shall not sell the said lands within less than twelve months from the day on which the writ against lands is delivered to him, nor until three months' notice of such sale has been posted in a conspicuous place in the Clerk's office, and published two months in the newspaper nearest the lands to be sold.

34. No sale shall be had under any execution against lands until after a return of *nulla bona* in whole or in part, with respect to an execution against goods in the same suit or matter by the same officer.

35. No such officer shall make any return of *nulla bona*, either in whole or in part, to any writ against goods, until the whole of the goods of the execution debtor in his judicial district liable to seizure have been exhausted.

36. If the amount authorized to be made and levied under the writ against goods is made and levied thereunder, the person issuing the writ against lands shall not be entitled to the expenses thereof or of any seizure or advertisement thereunder, and the return to be made by the officer charged with the execution of the writ against lands to such writ, shall be to the effect that the amount has been so made and levied as aforesaid.

37. Goods, chattels, personal property and lands and interests therein, shall be bound by the delivery of process against the same to the officer charged with the execution thereof to be executed.

#### MISCELLANEOUS.

38. Witnesses attending the trial of any cause, whether subpcnaed or not, shall be entitled to receive one dollar for every day's necessary travel in going to and returning from and attendance in court; and the Clerk, on entering final judgment, shall add to the costs on taxation such sum for witness fees, as also such allowance to either suitor, not exceeding regular witness fees, as shall be allowed by the Judge who tried the cause.

39. If in any case in which the summons has been issued by which the defendant or other party is called upon to appear at a regular court and does so appear, but the original summons has not been returned, and the plaintiff or party at whose instance the summons has been issued does not appear, on the production of the copy of the summons, the Judge may



order the payment of witness fees, as provided in the preceding section, and such further sum for travelling expenses as the Judge thinks reasonable, to be recovered in the same way as ordinary judgments of the court.

40. Minors may sue for wages in the same way as if of full age.

41. As far as possible, consistently with the circumstances of the country, the laws of evidence which govern the administration of justice in Ontario shall obtain in the courts.

42. All processes required to be executed by the sheriff shall be executed by himself or some one duly appointed by him in writing, or by some person authorized by the Judge, in writing, to act instead of the sheriff.

43. Every person proved in open court to have been served with a copy of a subpoena, and to whom at the same time a tender of his lawful expenses is made, who refuses or neglects, without sufficient cause, to obey the subpoena; and every person in court called upon to give evidence who refuses, to give evidence, shall pay such a fine, not exceeding one hundred dollars, as the Judge, presiding at the sitting of the said court at which the cause wherein such person is required as a witness, may impose, and, in default of payment of such fine, be imprisoned for any time not exceeding one month.

44. All moneys recovered or arising from any source under this Ordinance shall be paid over immediately after receipt thereof to the Clerk, to be by him accounted for as herein provided.

45. In case of a debt or demand against two or more persons, partners in trade or otherwise jointly liable, but residing in different judicial districts, or one or more of whom cannot be found, one or more of such persons may be served with process, and judgment may be obtained and execution issued against the person served, notwithstanding others jointly liable have not been served or sued; reserving always to the person or persons against whom execution issued, his or their right to demand contribution from any other person jointly liable with him or them; and, whenever judgment has been so obtained against any such partner, and the Judge certifies that the demand proved was strictly a partnership transaction, the officer charged with the execution of final process, in order to satisfy such judgment and costs, may seize and sell the property of the firm as well as that of the defendants who have been served.

46. During the lives of parties to a judgment, or any of them, execution may issue at any time within six years from the recovery of such judgment without revival thereof; but no execution or other process shall issue on a judgment more than six years old, without the leave of a Judge in writing; but notice to the party against whom such execution is sought previously to applying for such leave shall be necessary;

and such leave shall be expressed on the execution, "issued by leave of  
of ."

47. Any judgment, in case of the death of the parties entitled thereto, or liable thereon, may be revived by the parties claiming to be entitled to have execution thereon, by suing out an ordinary summons, the claim or demand attached to which shall be for the revival thereof, and showing briefly the grounds on which such revival is sought; and thereupon the like proceedings shall follow as in other cases entered in the court.

48. Where one or more of several plaintiffs or defendants shall die before judgment, the action shall not abate if the cause of action survive to or against the surviving party; and where one or more of several plaintiffs or defendants shall die after judgment, proceedings may be taken thereon by the survivor or survivors without leave of the court.

49. In any case in which the claim or demand of the plaintiff is for the recovery of the possession of real estate, after thirty days from judgment for the plaintiff, unless otherwise ordered by the Judge, the same shall be executed by the Clerk issuing a writ of "*Habere facias possessionem*," in the Form "I" of the appendix to this Ordinance; but the person against whom such writ is issued shall not be turned out of possession until after fifteen days' notice to remove therefrom has been given him by the officer charged with the execution of such writ.

50. *Alias, pluries* and concurrent writs of summons and executions may be issued in all cases.

51. Where a judgment debtor is in possession of, or an absconding debtor leaves behind him, any article of personal property liable to seizure under execution or attachment, upon which he may have paid any sum of money by way of rent or hire under any agreement for a right of purchase, and in respect of which he may have the right to apply such payment on account of purchase, it shall be lawful for the attaching or execution creditor or creditors of such judgment or absconding debtor to have the interest of the said debtor in the said chattel property sold under execution, subject to the same rights which existed at the time of the issue of the attachment or the entry of judgment between the said debtor and the person having a claim or alleged claim under such judgment.

52. Whenever, from illness or other casualty, the Judge appointed to hold a court fails to attend at the time appointed therefor, the clerk, at five o'clock in the afternoon of the day so appointed, shall adjourn such sitting by proclamation to some hour on the following day to be by him named, and so on from day to day (but not exceeding six days) until the Judge who is to hold such sitting as aforesaid is able to hold the same, or until he receives other directions from such Judge; but if after the expiration of the said period of six days the said Judge has not arrived,

or be still unable to attend, or he be otherwise directed, the Clerk shall adjourn the court to the next regular sitting of the same.

53. The Judge resident in any judicial district, may, if he sees fit, hold any court, and perform any judicial duties, in any district other than his own on being requested so to do by the Judge to whom the duty for any reason belongs.

54. All affidavits required by this Ordinance or to be read in court may be made before a Judge, the Clerk of any court, a Notary Public, or a Justice of the Peace, and affidavits made outside the limits of the North-West Territories for use in the courts therein, may be made before a Judge of any Court of Record or a Notary Public of the place where the same is sworn to, the seal of the court presided over by such Judge or the official seal of such Notary Public, as the case may be, to be affixed thereto, or before a Commissioner appointed by the Lieutenant-Governor for the purpose of taking affidavits outside of the Territories to be used within the Territories.

55. All books rendered necessary for the effective carrying out of the provisions of this Ordinance, of uniform pattern and size, shall be supplied from time to time, as required to each of the courts established or to be established under the provisions of this Ordinance by the Lieutenant-Governor, the cost thereof to be defrayed out of the General Revenue Fund; such books to be and remain the property of the courts respectively, subject (as to control and safe keeping) to the order of the Judge of each of such courts.

56. In cases where by law either party to a suit is entitled to have the same tried with the intervention of a jury, the party demanding a jury shall, on filing his demand for a jury with the Clerk of the Court, deposit with him such sum as the said Clerk considers sufficient for the payment of jurors' fees and of the expenses of summoning the jury, and the Clerk shall, after the trial, pay the said jury and summoning fees, and, if any balance of the money so deposited with him remains unused after paying such fees, return such balance to the party who deposited the same, and jurors shall be entitled to receive the same fees and mileage allowance as those allowed to witnesses.

57. Whenever a counsel or attorney or agent has been employed by the successful party in the conduct of the cause or defence, the Judge may, in his discretion, direct a fee of five dollars, to be increased according to the difficulty and importance of the case, to a sum not exceeding one hundred dollars, to be taxed to the successful party, and the same, when so allowed, shall be taxed by the Clerk and added to the other costs.

58. The costs of all necessary proceedings shall, (unless otherwise ordered by the Judge who tried the cause,) follow the event.



59. In case the plaintiff or defendant in any action is desirous of having at the trial thereof, the testimony of any aged or infirm person or persons too ill to attend the trial, resident within the Territories, or of any person who is about to withdraw therefrom, or who is residing without the limits thereof, the Judge may, upon the motion of such plaintiff or defendant, supported by affidavit, and upon hearing the parties, order the issue of a commission to a commissioner to take the examination of such person or persons respectively, under oath. Due notice of every such commission shall be given to the adverse party, to the end that he may cause the witnesses to be cross-examined.

60. In case such commission, with such evidence certified to by the commissioner, is returned under seal addressed to the Clerk of the Court, the same shall *prima facie* be deemed to have been duly taken, and shall be received as evidence in the cause, unless it is made to appear to the court before which the same is offered in evidence, that the same was not duly taken, or that the deponent was sufficiently well to attend such sitting, and living within the jurisdiction of the court at the time the examination is offered in evidence to such court; such allowance for obtaining any such commission and execution thereof as may be approved of by the Judge shall be taxed by the Clerk and allowed to either party, either in whole or in part, as the Judge directs.

61. Where proceedings are had in any action wherein the forms given in the appendix are not suitable for the purpose the Clerk, with the approval of the Judge, shall provide the same.

62. Interlocutory or collateral proceedings in a cause shall be by summons from the Clerk, returnable before the Judge at such times and places as he may direct.

63. No writ of execution or of attachment shall be executed outside the judicial district in which the same has been issued.

64. All actions and prosecutions to be commenced against any person for anything purporting to be done in pursuance of his duty as a public officer (unless otherwise ordered by the judge) shall be commenced and tried in the judicial district or division of the same (when the district is divided into divisions) wherein the act was committed, and must be commenced within six months next after the act was committed, and not otherwise, and notice in writing of such action and of the cause thereof must be given to the defendant one month at least before the commencement of the action.

65. Any person who has commenced a suit in any court, the process wherein was served before the suing out of a writ of attachment against the same defendant, may, notwithstanding the suing out of a writ of attachment, proceed to judgment and execution in his suit in the usual manner; and if he obtains execution before the plaintiff in any such writ

of attachment, he shall have the full advantage of his priority of execution, in the same manner as if the property and effects of such absconding debtor still remained in his own hands and possession; but if the Judge so orders, subject to the prior satisfaction of all costs of suing out and executing the attachment.

66. Writs of execution against the same person shall have priority according to their delivery to the sheriff or other officer charged with the execution thereof to be executed, and attachments, except as herein otherwise provided, shall have priority as aforesaid, and shall hold, as against executions, in other suits against the same party the goods, chattels and personal property seized under the said attachments, provided that the priority hereby given to attachments shall cease, if the attaching creditor fails to proceed to judgment at the sitting of the court next after the issue of his attachment.

#### ATTACHMENT.

67. In case the creditor of any person indebted to him in a sum not less than fifty dollars, his servant or agent, makes an affidavit that such person is justly indebted to him in any sum not less than fifty dollars, stating clearly and succinctly from what cause such indebtedness arose and the amount thereof, and that he has good reason to believe and does verily believe that such debtor

- (1) Has absconded from the North-West Territories, leaving personal property in any judicial district thereof liable to seizure under execution for debt;
- (2) Or has attempted to remove such personal property, either out of the said Territories or from one judicial district to another;
- (3) Or keeps concealed in any judicial district to avoid service of process;
- (4) Or has assigned or secreted any of such property with intent to defraud his creditors, and that such affidavit is not made by him and the process thereon to be issued for any vexatious or malicious motive whatever;
- (5) And one other credible witness makes an affidavit verifying the reasons alleged in such first affidavit for the issuing of the writ of attachment, and the said affidavits are filed with the Clerk of the Court, the Clerk shall issue a writ of attachment under the seal of the Court in the Form "J" of said Appendix hereto, directed to the sheriff, commanding him to attach, seize, take and safely keep all the personal property and effects of such debtor liable to seizure under execution for debt, or a sufficient portion thereof to secure the claim sworn to and costs of suit and to return such warrant to the Clerk; provided that in any cases where the

debtor has absconded from the Territories leaving no wife or family behind, no property of such debtor shall be exempt from seizure.

68. If no summons has previously issued, the issue of such writ of attachment shall be considered the commencement of the action; and a copy of every such writ shall be served on the debtor against whose effects the same is issued, at the time of making any seizure thereunder, or as soon thereafter as such service can be effected, if the said debtor can be found; but if such personal service cannot be effected, a copy thereof shall be left with some grown-up person resident at the place where such seizure is made; or if no person is resident, posted in a conspicuous place on the premises.

69. With the return of any such writ of attachment, the officer charged with the execution thereof shall transmit annexed thereto an inventory of the property seized, and the value thereof, according to the best of his judgment, and an affidavit of the manner in which service of such writ has been effected.

70. Upon the seizure of any property under the writ hereinbefore described, the person against whom the same was issued may have the same returned to him upon giving to the seizing officer sufficient security for such debt as the plaintiff may establish on the trial, and the costs of suit incurred at the time, or paying the same.

71. Where a writ of attachment has been issued at any time after service of a summons upon the defendant, the cause shall be proceeded with as if no such writ had been issued.

72. If on trial of any case in which a writ of attachment has been issued, it appears on proof to the satisfaction of the presiding judge that the creditor who sued out such writ had not reasonable cause for taking such proceedings, he shall recover no costs of his suit.

73. In case any horses, cattle, sheep, or any perishable goods or chattels, or such as from their nature cannot be safely kept or conveniently taken care of, are taken under any writ of attachment, the officer who seized the same shall have them appraised and valued on oath by two competent persons, and in case the plaintiff desires it and deposits with the seizing officer a bond to the defendant, executed by one or more persons whose sufficiency shall be approved of by such officer, in double the amount of the appraised value of such articles, conditioned for the payment of such appraised value to the defendant, together with all costs and damages incurred by the seizure and sale thereof, in case judgment is not obtained by the plaintiff against the defendant, then the seizing officer shall proceed to sell all or any of such enumerated articles at public auction to the highest bidder, giving not less than ten days' notice of such sale, unless any of the articles are of such a nature as not to allow



of that delay, in which case the officer shall sell such articles last mentioned forthwith, and shall hold the proceeds of such sale for the same purposes as he would have held any property seized under the attachment.

#### GARNISHEE.

74. Whenever any debt or sum of money, not being a claim strictly for damages, is due and owing to any party from any other party, either on a judgment of the court or otherwise, and any debt is due or owing to the debtor from any other party, it shall be lawful for the party to whom such first mentioned debt or sum of money is so due or owing (hereinafter designated the primary creditor) to attach and recover in the manner herein provided, any debt due or owing to his debtor (hereinafter designated the primary debtor), from any other party (hereinafter designated the garnishee), or sufficient thereof to satisfy the claim of the primary creditor: subject always to the rights of other parties to the debts owing from such garnishee; provided that no debt due or accruing to a mechanic, workman, labourer, servant, clerk or employee or in respect of his wages or salary shall be liable to seizure or attachment under this Ordinance to the extent of one month's wages not exceeding fifty dollars.

75. When an action has already been instituted against the primary debtor, proceedings under the next preceding section shall be by summons in the Form "K" of the said Appendix, copies of which shall be served upon the garnishee and upon the primary debtor, unless the last-named service be dispensed with on the hearing. In cases where the proceedings are commenced against the primary debtor and the garnishee by the same summons, such summons shall be in the form "L" of the said Appendix. The proceedings thenceforward shall be the same as in ordinary cases in Court, the garnishee having all the rights and privileges of a defendant, but execution shall not issue upon any judgment had against the garnishee for a larger amount than the amount owing by him to the primary debtor until the amount owing has (between the garnishee and primary debtor) become due and payable.

76. No summons shall be issued against a garnishee except upon the affidavit of a primary creditor or of his duly authorized agent,

- (1) In the case where such primary creditor's claim is a judgment, that such judgment was recovered and when, and that the whole or some part and how much thereof remains unsatisfied, and that the deponent has reason to believe and does believe that some one or more of the parties (naming them) resident in the judicial district or division within which the proceedings are sought to be had is or are indebted to the primary debtor.
- (2) Where judgment has not been recovered for the claim of the primary creditor, that the primary debtor is well and truly in-

debted to the primary creditor in the amount and for the causes set forth in the statement of claim annexed to the summons, and that the deponent has reason to believe and does believe that some one or more of the parties (naming them), resident in the judicial district or division within which the proceedings are sought to be had, is or are indebted to the primary debtor.

77. In all cases under this Ordinance, and whether the claim of the primary debtor is or is not a judgment, the primary debtor, the garnishee and all other parties in any way interested or to be affected by the proceeding, shall be entitled to set up any defence, as between the primary creditor and the primary debtor, which the latter would be entitled to set up in an ordinary suit, and also any such defence, as between the garnishee and the primary debtor, and may also show any other just cause why the debt sought to be garnisheered should not be paid over or applied in or towards the satisfaction of the claim of the primary creditor.

78. The garnishee shall not be liable for the costs of the proceeding unless and in so far only as occasioned by setting up a defence which he knew, or ought to have known, was untenable; and subject to this provision the costs of all parties shall be in the discretion of the Judge.

79. When a garnishee pays money into court and the plaintiff or primary creditor is non-suited, or does not return the summons into court on the proper day, the primary debtor shall be entitled to an order to have the said money paid over to him at any time previous to the issue of a new garnishee summons, and the service of such summons on the Clerk of the Court, and in any case where the suit is struck out or a judgment is given for the primary debtor or the judgment is for less than the sum paid into court, the money paid into court or the proper balance thereof shall be payable over to the primary debtor on the order of the Judge. Service of such summons upon the garnishee shall have the effect (subject to the rights of other parties) of attaching and binding in his hands all debts then owing from him to the primary debtor, or sufficient thereof to satisfy such primary creditor's claim; and a payment into court by the garnishee of the debt so attached, to the extent of the primary creditor's claim shall be a discharge to that extent of the debt owing by the garnishee to the primary debtor; and any payment by the garnishee, after service on him of such summons, to any one other than the clerk of the court as aforesaid, shall be void.

#### INTERPLEADER.

80. When any claim shall be made to or in respect of any goods, chattels, money, securities, or other property taken in execution, or attached under process from a court, or the proceeds or value thereof, by any landlord for rent, or by any person not being a party against whom such process has issued, the officer charged with the execution of such process may apply to the Clerk of the Court within the jurisdiction of which

such property has been so taken, or if the money has been paid over to the Clerk, then the Clerk, and in either case whether before or after any action has been brought against such officer or Clerk, the Clerk shall issue an interpleader summons in the Form "M" of the Appendix at the end of this Ordinance; and such summons shall be a stay of any such action, and shall be served on the execution or attaching creditor and claimant, and shall be returned in such time and manner as a writ of summons in an ordinary action, and shall come on for hearing as in ordinary cases, and at regular sittings of the court.

81. In case any person having the possession or control of any moneys, goods or chattels, the right to which is claimed by two or more persons, having or claiming different interests therein, whether such claims have or have not a common origin, applies either before or after action brought in respect thereof to the Judge of the District Court of the district within which the said moneys or goods and chattels are, and shews, by affidavit or otherwise, to the satisfaction of such Judge in what manner such money or goods and chattels came into the possession of such applicant and that he does not claim any interest therein, or any interest therein beyond a lien thereon, the nature and extent of which lien shall be fully set forth, and the nature (as far as such applicant knows) of the claims respectively made to said moneys or goods and chattels; and that he has good reason to believe and does believe that if he pays or delivers the same to either or any of the claimants he will be sued by the other or others of them, and that he does not collude with either or any of the parties claiming possession of such moneys or goods and chattels, and that he is ready to pay into court or dispose of the same as such Judge may direct; such Judge may order that all the parties claiming such moneys or goods and chattels shall appear before him at a time and place to be appointed by him and state the nature and particulars of their respective claims, and to maintain or relinquish the same; and upon such claimants appearing before him, or in default of their appearing before him at the time and place appointed, may proceed to dispose of their respective claims in a summary manner, or may, in his discretion, order the respective claimants to proceed to the trial of an issue to be framed by him to meet the circumstances of the case, which issue shall be tried in the same manner, as nearly as may be, as other interpleader issues and claims under the provisions of this Ordinance.

And said Judge may order that all proceedings against said applicant in respect of said moneys or goods and chattels shall be stayed; and may make such order as to the costs of all proceedings hereunder as to him may seem meet; and in case a lien is claimed by the applicant and shewn to exist, said Judge may make such order, as to the satisfaction or payment thereof, as the right and justice of the case may require.

82. In cases of interpleader the costs shall, as a rule, abide the event of the issue, except the judge presiding at the hearing shall otherwise order; and the costs of the sheriff or other officer in respect of the same



shall be costs in the issue ; but in the first instance shall be paid to him by the execution or attaching creditors.

83. Pending the adjudication of any such claim, the sheriff or other officer may, upon proper security being given to him by bond or otherwise, for the forthcoming and delivery to him of the property so taken, or the value thereof when demanded, permit the claimant to retain possession of the same until there shall be final adjudication in respect of the same ; but in every such case it shall be competent for the said sheriff or other officer, at any time he shall see fit, to resume the actual and absolute possession and custody of the said property, notwithstanding such bond or security. Horses, cattle and perishable goods, the subject of interpleader, may, at the request of either party and upon his furnishing sufficient security, be sold by the seizing officer upon ten days' notice of sale being given in the same way as notices of sale under executions against personal property, the proceeds to be paid over to the clerk immediately after the sale.

#### REPLEVIN.

84. Whenever any goods, chattels, or other personal property or effects have been wrongfully detained, the owner or other person capable of maintaining an action of trespass or trover for such wrongful distress, taking, or detention, may bring an action of replevin for the recovery thereof and for the recovery of the damages sustained by reason of such unlawful caption or detention ; but nothing herein contained shall authorize the replevying any property seized by the sheriff or any other officer charged with the execution of any process issued out of the court.

85. Writs of replevin shall be issued by the Clerk of the Court upon the plaintiff or his duly authorized agent making an affidavit before the Clerk ;

- (1) Embodying a description of the property sought to be replevied, and the value thereof, to the best of the deponent's belief ; and that the person claiming is the owner or is entitled to the possession of the said property ;
- (2) Further stating, if replevin be sought in the case of property distrained for rent, or *damage feasant*, that the property was taken under color of a distress for rent or *damage feasant*, as the case may be ;
- (3) Or, in the case of property wrongfully taken out of the possession of the claimant, or fraudulently got out of his possession, stating, in addition to the particulars required by sub-section one of this section, the time (which must be within three months) and the wrongful and fraudulent manner in which the same was taken or gotten out of his possession, and such facts and circumstances as shew that the claimant is entitled to the possession

of the property, and that an action of trespass or trover would not be a complete remedy.

86. Before the Clerk shall issue the writ (which shall be in the Form "N" of the said Appendix, and shall describe the property as in the affidavit,) he shall take a bond to himself, with approved securities in double the value of the property to be replevied, as stated in the affidavit and the writ; which bond shall be in the Form "O" of the said Appendix, and be assignable to the defendant in the Form "P" of the said Appendix.

87. The sheriff or other officer charged with the execution of any such writ shall not serve the same upon the defendant until he has replevied the property described in the writ, or such part thereof as can be found; and in case the said sheriff or other officer has a good reason to suspect that the property to be replevied, or any part thereof, is secured, contained, or concealed in any dwelling house, building, or enclosure of the defendant, or of any other person keeping or holding the same, and the said sheriff or officer demands from the owner, occupier, or other person in charge of the premises aforesaid, deliverance of the said property, and the same shall not be delivered upon such demand, he may, and if necessary he shall (but only between sunrise and sunset) break open such premises and enter and search the same for the purpose of replevying the property demanded, and if found therein, replevy the same.

88. Upon replevy of the property described in the writ, or such part thereof as can be found, the sheriff or other officer having the writ as aforesaid shall serve a copy of the same upon the defendant personally, if he can be found; otherwise, by leaving a copy at his usual or last place of abode, with his wife or some other grown person being a member of his household or an inmate of the place or house wherever the defendant resided or resides, or made or makes his home as aforesaid; and upon making such service as aforesaid, shall make return of the said writ to the Clerk of the Court, and transmit annexed thereto a description of the articles replevied, and the value thereof to the best of his judgment; and if such description does not cover all the property named in the writ, the reason why he has been unable to replevy the same; together with an affidavit of the manner in which the said writ has been served on the defendant, and the date and place of such service; and proceedings thereafter shall be as in ordinary actions.

89. Upon judgment for the defendant, or upon the plaintiff being nonsuited, the defendant may proceed in his own name upon the bond, as assignee thereof.

#### PROBATE.

90. Judges shall respectively have power, jurisdiction, and authority to issue process and hold cognizance of all matters relative to the granting of probates and committing letters of administration, as well as to grant

probates of wills and commit letters of administration of the goods of persons dying intestate, leaving estates, goods, rights, or credits, in the North-West Territories, and to revoke such probates and letters of administration; to hear and determine all questions, causes and suits in relation to the matters aforesaid, and to all matters and causes testamentary, similar to those possessed by the Surrogate Courts of Ontario on the 1st day of January, A. D. 1878, except by trials by jury; and the rules and forms in force and use in the said Surrogate Courts of Ontario on the first day of January, A. D. 1878, shall, so far as they are suited to the circumstances of the said Territories, apply therein.

91. The grant of probate or letters of administration shall belong to the Judge within whose judicial district as fixed by this Ordinance the testator or intestate was residing, or in case of death within the North-West Territories, the judicial district within which the testator or intestate had at his death real or personal property; but if no judge be resident in such judicial district, then to any other judge, and probate and letters of administration, by whatever Judge granted, shall, unless revoked, have effect over the personal effects of the deceased in all parts of the said Territories.

92. In the absence of any applications to prove a will, or for letters of administration within twenty days after the decease of any person leaving personal estate, letters of administration may be granted to any person, who, possessing the necessary qualifications to execute the trusts, may be considered suitable by the Judge granting the same.

93. Upon the application of any infant, friend, or any relative of such infant, made to the Judge resident in the judicial district within the limits of which such infant is living, or in case there be no Judge resident as aforesaid, then to any other Judge, and the production of proof on oath before such Judge that such infant has no father living or any legal guardian authorized by law to take care of his personal property, and that his mother is alive, or that she is dead, the Judge aforesaid having fixed a time for the hearing of such application, and having caused the mother, if alive, and such other persons as he may think proper, to be notified of such intended hearing, may, after hearing the parties, appoint some suitable person or persons to be guardian or guardians of such infant, a proper bond having been first given as hereinafter provided, for the due care of and accounting for such infant's estate whenever required by law so to do; and for the purpose aforesaid such Judge shall have and possess all the powers and authorities as in the Province of Ontario are vested in the Surrogate Courts and Judges thereof; and the rules of practice and forms of proceedings as they existed on the first day of January, A. D. 1878, in Ontario, shall, so far as suited to the circumstances, apply; and the guardians of such infant so appointed during their guardianship shall have authority to act for and on behalf



of the said ward, may appear in any court and prosecute or defend any action in his name; shall have the charge and management of his estate, real and personal, and the care of his personal education; and, in case the infant is under the age of fourteen years, may, or if over fourteen years, with such ward's consent, place and bind him an apprentice to any lawful trade, business or employment, such apprenticeship not extending beyond twenty-one years of age; and the said Judge, by whom any guardian or guardians has or have been appointed, or the Judge, for the time being resident in the judicial district where such letters of guardianship were issued, may, upon reasonable complaint made and sustained, or cause shown to his satisfaction, remove such guardian or guardians from his or their guardianship, and appoint another or others in his or their stead.

94. Every person to whom letters of administration or guardianship are committed shall give a bond to the Judge granting the same, with one or more sureties as may be required by the said Judge, in such form and in such penalty as he may direct, or in cases where the estate to be administered is of small value, such bond may be dispensed with.

95. All proceedings taken under the provisions of the five next preceding sections of this Ordinance shall be placed on record by the Clerk of the Court designated by the Judge.

#### GENERAL PROVISIONS.

96. Until proper seals for the different courts, as required by this Ordinance, are procured, all processes may be issued without any seal whatever, and shall have the same force, virtue, and legality as if a proper seal, as authorized by this Ordinance, were attached thereto.

97. The Clerk and other officers performing service under the provisions of this Ordinance shall be paid by fees as provided, allowed and from time to time regulated by the order of the Judges or a majority of them.

98. A table of all such fees shall be hung up in some conspicuous place in each Clerk's office.

99. The fees upon every proceeding shall, on or before such proceeding, be paid in the first instance by the plaintiff or other party at whose instance the proceeding takes place.

100. This Ordinance shall come into force and take effect on, from and after the first day of November, A. D. 1884, from and after which date Ordinances No. 4 of 1878, No. 7 of 1879, and No. 3 of 1883 are hereby repealed:

Provided always that all appointments made, all proceedings had, taken,

and all things lawfully done under the enactments hereby repealed shall remain valid unless otherwise provided by this Ordinance; and that all actions and proceedings pending in any of the courts established by the said Ordinances may be continued under this Ordinance; provided also that this repeal shall not affect any duty accrued, right acquired, liability incurred, or appointment made under any of the said ordinances; and provided also that this ordinance shall not be construed as new law, but as a revision, consolidation, and continuation of the said Ordinances, subject to the changes, amendments and new provisions contained therein; and provided further that records of courts in the North-West Territories, by whatever name known, shall be records of courts established under this Ordinance.

101. This Ordinance may be cited as "The Administration of Civil Justice Ordinance, 1884."

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## APPENDIX OF FORMS.

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### FORM A (*Vide Section 7*).

#### CLERK'S BOND.

Know all men by these presents, that we of  
 (Esquire), and of (Gentleman), do hereby  
 jointly and severally, for ourselves and each and every of our heirs, executors, and  
 administrators, covenant and promise that Clerk of the  
 Court, shall duly account for and pay over to every person whomsoever entitled to the  
 same, all moneys as the said shall receive by virtue of the said office  
 of Clerk, and shall well and faithfully do and perform the duties imposed upon him as  
 such Clerk by law, and shall not misconduct himself in the said office to the damage  
 of any person being a party in any legal proceeding.

Nevertheless it is hereby declared that no greater sum shall be recovered upon  
 this covenant against the several parties hereto than five hundred dollars each.

Executed in duplicate this  
 day of A. D. 18  
 in presence of

}

[L. S.]  
 [L. S.]

---

### FORM B (*Vide Section 10*).

#### CLERK'S OATH OF OFFICE.

I, do swear that I will truly and faithfully  
 perform the several duties of Clerk of the Court, to which I have been  
 appointed, without fear, favour, or malice. So help me God.

Sworn to, before me, at  
 in the North-West Territories, this  
 day of A. D. 18

}

FORM C (*Vide Section 13*).

## CANADA—NORTH-WEST TERRITORIES.

In the

Court.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

[L. S.] To of  
 You are hereby (as before, or as often before, you were) summoned to be and appear at the sittings of this Court, to be holden at on the day of A. D. 18 at the hour of ten o'clock in the forenoon, to answer the claim of of a copy of which claim is hereunto annexed.

And take notice that, in the event of your not so appearing, the said may proceed to judgment against you by default, with costs.

Issued at day of A. D. 18 in the North-West Territories, this

.....  
 Clerk of the Court.

FORM D (*Vide Section 15*).

## AFFIDAVIT OF SERVICE.

I do swear that I did on the day of A. D. 18, serve named in the within summons, with a copy of the said summons and claim thereto annexed, by delivery of the same to ; and that to effect such service I necessarily travelled miles.  
 Sworn before me at }  
 this day of A. D. 18 }

FORM E (*Vide Section 12*).

## CANADA.—NORTH-WEST TERRITORIES.

In the

Court.

[L. S.]

Plaintiff.

To

and

Defendant.

You and each of you are hereby subpoenaed to be and appear before this Court as witnesses for the on the trial of this cause at the sittings to be held at on the day of A. D. 18. And take notice that on failure to attend as aforesaid (without showing good cause therefor) you are severally liable to be fined one hundred dollars, or to be imprisoned for thirty days.

Issued at this day of A. D. 18

.....  
 Clerk of the Court.



FORM F (Vide Section 25).

CANADA.  
NORTH-WEST TERRITORIES. }

In the

Court

BETWEEN }

and

Plaintiff.

Defendant.

Judgment for \$  
Witness fees allowed.....  
Costs taxed.....  
Total Judgment.....

.....  
Clerk of the Court.

FORM G (Vide Section 26).

TRANSCRIPT OF JUDGMENT.

In the

Court.

Transcript of the entry of a judgment recovered on the day  
of A. D. 13, in said Court, in a suit numbered  
A. D. 13

Between A——— B———, Plaintiff,

And C——— D———, Defendant.



Amount of Judgment:

Debt .....\$  
Costs .....\$

Additional Costs.....\$

Total .....\$

Amount paid .....\$

18 ,  
18 ,

Total paid.....\$

Amount due .....\$

the day of  
amount unpaid on said judgment is \$

Judgment for Plaintiff for \$  
debt, and \$ costs of suit; execu-  
tion issued on the day of  
A. D. 18, and returned on the  
day of A. D. 18, (here state the  
return). (If the judgment was revived, add  
the following words: "and on the day of  
A. D. 13, the said judgment  
was duly revived.")

Pursuant to the provisions of "The  
Civil Justice Ordinance, 1884," I, X  
Y, Clerk of the said  
Court, do certify that the above Trans-  
cript is correct and duly taken from the  
Docket Book of the said Court, and  
that judgment in the above cause was re-  
covered at the date above stated, viz:  
A. D. 18, and further, that the  
as stated in the margin hereof.

Given under the Seal of the said Court this

day of A. D. 18 .

X——— Y———, Clerk.

FORM II (*Vide Sections 27 and 33.*)

## CANADA.—NORTH-WEST TERRITORIES.

*In the**Court.*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

[L. S.] To

You are commanded that of the goods and chattels and personal property (or lands and tenements, as the case may be), of \_\_\_\_\_ in the \_\_\_\_\_, you cause to be made \_\_\_\_\_ dollars, and \_\_\_\_\_ cents, which \_\_\_\_\_, you lately by the judgment of the said Court recovered against him

And that you cause the said money, together with the fees for the execution hereof, to be returned to the Clerk of the said Court, together with this Writ, immediately after the execution thereof.

Issued at

this

day of

A. D. 18

.....  
Clerk of the Court.

FORM I (*Vide Section 49.*)

## CANADA.—NORTH-WEST TERRITORIES.

*In the**Court.*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

To

Whereas  
Court recovered possession of  
against

lately by a judgment of this  
at the suit of

You are commanded, without delay, to cause the said  
to have possession of the said property.

And you are also commanded, that of the goods and chattels of the said  
you cause to be made \_\_\_\_\_ dollars, awarded  
by the said judgment to the said \_\_\_\_\_ for costs of suit.

And in what manner you shall have executed this Writ certify to this Court immediately after the execution of this Writ.

Issued at

this

day of

A. D. 18

\_\_\_\_\_ Clerk.

FORM J (*Vide Section 67, sub-Section 5*).

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

[L. S.] To

You are commanded to attach, seize, and safely keep all the real estate and personal property, credits and effects, together with all evidences of title, debts, books and book accounts, or other documents, vouchers and papers belonging thereto or otherwise, in the Judicial District, of \_\_\_\_\_ to secure and satisfy a certain debt or demand of \$ \_\_\_\_\_ (the sum sworn to), with his costs of action.

And the said \_\_\_\_\_ is commanded, that unless he appears at the sittings of the Court to be held at \_\_\_\_\_ on the \_\_\_\_\_ day of A. D. 18 \_\_\_\_\_, at ten o'clock in the forenoon, to answer such claim, the said \_\_\_\_\_ may proceed to judgment and execution against him by default, with costs, without any further notice.

And we command you, the said \_\_\_\_\_ that as soon as you shall have executed this Writ you do return the same, with an affidavit of service, and a certificate of your action thereunder.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_

.....  
Clerk of the Court.

FORM K (*Vide Section 75*).

## CANADA.—NORTH-WEST TERRITORIES.

In the

Court.

BETWEEN

Plaintiff and Primary Creditor.

and

Defendant and Primary Debtor.

and

Garnishee.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

[L. S.]

You, the above named Garnishee, and you, the above named Primary Debtor, are hereby summoned to appear at the sittings of this Court to be holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_, at the hour of ten o'clock in the forenoon, to state and show whether or not you, the said Garnishee, owe any and what debt to the Primary Debtor, and why you should not pay the same into Court to the extent of the claim set forth in the demand hereunto annexed. And take notice that in default of you so appearing the plaintiff may proceed to judgment and execution against you, the said Garnishee, to the extent of the plaintiff's claim with costs.

Issued at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_

.....  
Clerk of the Court.



FORM L (*Vide Section 75*).

In the

Court.

BETWEEN

*Plaintiff and Primary Creditor  
and  
Defendant and Primary Debtor  
and  
Garnishee.*

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

[L. S.]

You, the above named Primary Debtor are hereby summoned to appear at the sittings of this Court to be holden at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_, at the hour of ten o'clock in the forenoon, to answer the Primary Creditor, who sues for the recovery of the annexed claim; and you, the Garnishee, are required to appear at the same time and place to state and show whether or not you owe any and what debt to the Primary Debtor, and why you should not pay the same into Court to the extent of the Primary Creditor's claim in satisfaction thereof, and take notice that if either of you have any set off or other defence as between you or as between the said Primary Debtor and Primary Creditor, you must then and there declare them. You and all others interested may also show any other cause why the debt owing from the Garnishee should not be paid or applied to satisfy the said claim of the Primary Creditor. And take notice that in default of you or either of you so appearing, the Primary Creditor may proceed to judgment and execution against you or either of you to the extent of the Primary Creditor's claim with costs.

Issued at

this

day of

A. D. 18

.....  
Clerk of the Court.

(FORM M Vide Section 75).

CANADA.—NORTH-WEST TERRITORIES.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

In the Court.

BETWEEN

Plaintiff.  
and  
Defendant.  
and  
Claimant.  
Claimant.

To Plaintiff. and

You, the said Claimant, are hereby summoned to appear at the sittings of this Court to be holden at on the day of A.D. 18 , at ten o'clock in the forenoon, touching a claim made by you, the said Claimant, to certain goods and chattels to wit :

seized or taken under execution, or under attachment (or as the case may be) ; and in default of your then establishing such claim, the said goods and chattels will be sold or the money be paid and delivered over (if the question be about money) according to the exigency of the said process.

And you, the said plaintiff, are hereby notified that hath made the claim aforesaid to the goods and chattels (as the case may be) seized and taken under process in this action, and are hereby summoned to appear and be at the sittings of this court at the place and hour aforesaid, when the said claim will be adjudicated upon, and such order made thereupon as the Court shall deem fit.

Issued at this day of A. D. 18

.....  
Clerk of the Court.

FORM N (Vide Section 86).

CANADA.—NORTH-WEST TERRITORIES.

In the Court.

VICTORIA, by the Grace of GOD of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, etc., etc.

[L. S.]

To

You are hereby commanded without delay to cause to be replevied to his goods, chattels, and personal property folk wing, that

is to say :  
which the said alleges to be of the value of  
dollars, and which hath taken and unjustly detained (or  
unjustly detains, as the case may be), as it is said in the order, that the said  
may have his just remedy in that behalf ; and to  
summons the said to be and appear to answer the said  
complaint at the Court holden at on the  
day of A. D. 18

Otherwise the said may proceed to judgment against  
the said by default, with costs.

Issued at in the North-West Territories.  
this day A. D. 18

.....  
Clerk of the Court.

## (FORM O Vide Section 86.)

Know all men by these presents, that we  
of  
of and  
of are jointly and severally held and firmly bound  
to the Clerk of the Court  
in the sum of dollars of lawful money, to be paid  
to the said Clerk, his successor in office or either of their assigns. For which pay-  
ment well and truly to be made, we bind ourselves, and each and every of us in the  
whole, our and every of our heirs, executors and administrators, firmly by these  
presents, sealed with our seals, dated this of  
one thousand eight hundred and

The condition of this obligation is such, that if the above bounden  
do prosecute his suit with effect and without delay against  
for taking and unjustly detaining (or unjustly detaining  
the case may be) of his goods, chattels, and personal property, that is to say :  
(as in the affidavit filed), and do make a return of the property if a  
return thereof be adjudged ; and if the plaintiff fails in his action, do and shall pay  
the defendant such damages as he shall sustain by reason  
of the issuing of the Writ of Replevin against the said defendant, then this obligation  
to be void, or else to remain in force.

Signed, sealed and delivered in presence of }

[L. S.]  
[L. S.]  
[L. S.]

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FORM P (Vide Section 86.)

Know all men by these presents, that I,  
Clerk of the Court, at the request of the within named  
do hereby assign over to him this Replevin Bond,  
pursuant to the Ordinance in such cases made and provided.

As witness my hand and seal at  
A. D. 18

the day of

Sealed and delivered in presence of }

[L. S.]



## No. 4 of 1884.

*An Ordinance Respecting Municipalities.**Passed 6th August, 1884.*

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Unless otherwise declared or indicated in this Ordinance, wherever any of the following words occur they shall have the meaning hereinafter expressed, namely, the word

- (1) "Municipality" shall mean any locality, the inhabitants of which are incorporated, or are continued, or become so under this Ordinance ;
- (2) "Council" shall mean the Municipal Council ;
- (3) "Land" or "lands," "real estate," "real property," shall respectively include lands, tenements and hereditaments or all rights thereto or interest therein ;
- (4) "Electors" shall mean the persons entitled for the time being to vote at any Municipal election or in respect of any By-law in the Municipality, ward or polling sub-division, as the case may be ;
- (5) "Chairman" shall mean the head of the Council, or the person elected to fill that position for the time being ;
- (6) "Owner" or "proprietor" shall mean the person who has the ownership or use of any taxable property, or has an agreement for the purchase of the same ;
- (7) "Occupant" denotes all persons who possess, hold or occupy any land under any title whatsoever, or even without a title, or are occupying lands of the Crown under any style of location, agreement or tenure whatever ;
- (8) "Lot" shall mean the sub-divisions into which a piece or parcel of land has been divided for purposes of sale into smaller parcels, and shall include the buildings and other improvements thereon ;

(9) "Resident" shall mean any male British subject over twenty-one years of age who has been a freeholder or householder within the limits of the Municipality for a period of three months next preceding the date of the incorporation thereof, or, so far as relates to the qualification of voters and councillors at the first election therein, for a period of three months next preceding the polling day of such election ;

(10) "Person" shall include one or more, and, where the singular number is used, it shall also mean the converse.

2. The Lieutenant-Governor or the Lieutenant-Governor in Council shall, by proclamation, establish Municipalities, in cases where the boundaries have not been declared by this Ordinance, on a petition of two-thirds of the residents within the proposed limits of the Municipality, the area of which shall not be less than two hundred square miles, such petition to state the numbers of the townships and ranges or the fractions thereof, or, in case of a special survey, the number or other designation of each lot in such special survey, the number of residents therein, the name of the proposed Municipality, and the limits thereof, and in case the boundaries of the Municipality have been declared by this Ordinance then on a petition signed by twenty residents therein, and in every case the petition must be accompanied by the sum of one hundred dollars, which sum shall be used to defray the cost attendant upon erecting the said Municipality.

3. From and after the issuing of the proclamation as aforesaid, the inhabitants of such Municipality shall become a body corporate under the name of "The Corporation of the Municipality of \_\_\_\_\_," (inserting the name of the Municipality) capable of suing and being sued, and of acquiring, holding and conveying every description of property under the name of such Municipality.

4. Such proclamation shall set forth, in addition to the townships and ranges or parts thereof and lots in special survey included in said Municipality, the name of such Municipality.

5. After the issue of the proclamation, the Lieutenant-Governor shall, by order, appoint a returning officer to hold the first election for Councillors or Mayor and Councillors, as the case may be.

6. The returning officer so appointed shall appoint an election clerk, who shall, in case of the absence or death of the returning officer, have all the powers of such returning officer.

7. The returning officer shall immediately, upon receipt of the order appointing him, endorse thereon the time of its receipt, and shall within one week thereafter issue and post up, in at least six conspicuous places within the limits of the Municipality, a proclamation calling for

an election for the first council thereof, such proclamation to state the number of Councillors or Mayor and Councillors to be elected, the date and place of holding the nomination therefor, and the date and place or places of voting in case a poll is demanded, and the time and place for holding the first meeting of the council.

8. In case of the death or refusal to act of any person appointed by the Lieutenant-Governor under this Ordinance, he may appoint another.

9. The returning officer shall appoint a deputy returning officer for each polling place within the Municipality, and each deputy returning officer may appoint a poll clerk.

10. All residents of the Municipality shall be entitled to vote at the first election.

11. At the request of any candidate or his agent, or any voter, the following oath shall be administered by the deputy returning officer to any person tendering his vote at such first election :

I do solemnly swear that I am a male British subject over twenty-one years of age ; that I am a freeholder (or householder, *as the case may be,*) in this Municipality, and have been such for a period of three months next preceding the date of this election.

12. Any person residing in the Municipality and qualified to vote at the first election and not otherwise disqualified under the provisions of this Ordinance may be elected at such first election.

13. Except where herein otherwise provided, the proceedings at such first election and the duties of the returning officer, deputy returning officers and poll clerks relating thereto shall conform as nearly as possible to the proceedings at election for municipal councillors under this Ordinance.

14. The returning officer appointed by the Lieutenant-Governor shall attend at the first meeting of the Council and shall receive from the members thereof their certificates of election and the oaths of office required to be taken by them, and, except in the case of cities and towns, shall preside at such meeting until the election by the Council of its chairman, and in case of a tie shall give a casting vote

15. Municipal councillors shall hold office until the thirty-first day of December next ensuing their election, except where the first election of for the municipality takes place after the thirtieth day of June, in which case the councillors elected thereat shall hold office until the thirty-first day of December next ensuing the one following their election. The provisions of this section shall apply to councillors elected under "The North-West Municipal Ordinance, 1883."

16. The first Council, if elected at any time after the first Monday in January, may by resolution or by-law alter, extend or curtail the time



within which or at, before or after which any act, privilege or duty is required to be done, exercised or performed by such Council or any of its officers or any other person.

17. Each Municipality of not more than four hundred square miles shall be entitled to five councillors, and each Municipality of more than four hundred square miles shall be entitled to seven councillors.

18. The persons qualified to vote at any election for municipal councillors after the first election shall be male British subjects over twenty-one years of age who are assessed upon the last revised assessment roll of the Municipality, either in their own right or in right of their wives for three hundred dollars or upwards, and whose names appear upon the voters' list founded upon such roll.

19. The persons qualified to be elected Mayor or Councillor at any election after the first election shall be male British subjects over twenty-one years of age, residing in the Municipality and assessed upon the last revised assessment roll thereof for six hundred dollars or upwards, and who are not otherwise disqualified under the provisions hereof.

20. The following persons are hereby declared to be disqualified for election as Mayor or Councillor under this Ordinance:

- (1) Any Sheriff or Sheriff's officer, or any officer of any court of law;
- (2) Any person having any contract with the Municipality or having any unsettled or disputed claim therewith;
- (3) Any officer of the Government or any officer of the Municipality.

21. The Council shall at least one month prior to the last Monday in December by By-law appoint deputy returning officers and define the districts or sub-divisions within the Municipality where votes are to be polled, and the clerk shall, on or before the day of polling, in case a poll is demanded, prepare and deliver to each deputy returning officer of each district or sub-division, a certified list of the persons entitled to vote in his polling division at such election, together with a poll book.

22. A meeting of the electors shall be called by the returning officer at some convenient place within the Municipality to be named by him, on the last Monday in December, unless the same be a statutory holiday, then on the next ensuing day, for the purpose of nominating the required number of councillors to be named by the clerk in the notice calling the meeting, to serve as such for the term commencing on the first day of January following, and in case a poll is demanded the election shall be held one week from nomination day, in the manner hereinafter provided.

23. At ten o'clock of the forenoon the returning officer shall declare the meeting open for the purpose of receiving nominations, and any person whose name appears on the last revised assessment roll may propose or second the nomination of any duly qualified person or persons to serve as such Councillors, or Mayor and Councillors, and the meeting shall remain open until twelve o'clock, when the returning officer shall declare as hereinbefore provided.

24. In the event of more than the required number of persons, being duly qualified, having been nominated, and any one of them demanding that a poll be held, the returning officer shall declare that a poll will be granted, naming the time, place, and deputy returning officer or returning officers, as the case may be, appointed to hold the same.

25. If the returning officer should not attend the meeting called for the purpose of such nomination, the electors shall choose a chairman from amongst themselves, who shall have all the powers of a returning officer under this Ordinance. The chairman so chosen shall report the proceedings in writing to the returning officer, who shall act in such case as if he were personally present.

26. In case a poll is demanded the same shall be held one week from nomination day, in the manner hereinafter provided.

27. The returning officer shall, in case a poll is demanded, on the day of nomination post up in a conspicuous place the names and residences of the persons nominated, and shall, not later than the day following, post up in at least six conspicuous places in the Municipality a notice of the names of the candidates and the time and places for holding the poll for such election, and deliver to the deputy returning officers a similar list, together with the necessary instructions and books for the purpose of said election.

28. Any candidate nominated may withdraw at any time after nomination and before the close of the poll on polling day, by filing with the returning officer a declaration in writing to that effect, signed by himself in the presence of the returning officer, a Justice of the Peace or a Notary Public, and any votes cast for any such candidate so withdrawing shall be null and void.

29. The poll shall be opened at nine o'clock in the forenoon, and shall be kept open until five o'clock in the afternoon of the same day, and all votes at such election shall be given between said hours and by open voting.

30. Any person producing to the deputy returning officer at any time a written authority to represent a candidate as agent at a polling place, shall be recognized as such by the deputy returning officer.

31. Any deputy returning officer, candidate, agent or poll clerk who

belongs to a polling division other than the one in which he is performing such duty, shall be permitted to vote at the polling station where he is actually engaged in such duty, provided he produce a certificate from the clerk of the Municipality that he is a qualified voter in the Municipality.

32. Any voter may vote for as many candidates as are required to be elected at such election, but he shall not vote for any greater number, nor shall he vote more than once for the same candidate, nor shall he vote in more than one polling place.

33. At the request of any candidate or his agent or of any voter, the following oath shall be administered by the deputy returning officer to any person tendering his vote at such election :—

You do solemnly swear (or affirm) that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the voters' list now shewn to you. That you are a British subject over twenty-one years of age. That you are a freeholder (or householder, as the case may be,) of this Municipality. That you have not before voted at this election, and that you have not received or been promised any consideration whatsoever for voting at this election.

34. It shall be the duty of the deputy returning officer to receive the votes of the electors and see that they are correctly recorded in the poll book, and whenever required by any person authorized so to do to administer to any voter the oath set forth in the next preceding section.

35. Each deputy returning officer may by writing under his hand appoint a poll clerk, who, in the absence of such deputy returning officer or on his failure or inability to fulfil the duties required of him by this Ordinance, shall have all the powers of such returning officer.

36. The poll book shall contain in separate columns the names of the candidates at such election, and the deputy returning officer or his poll clerk shall, opposite to such columns, write the names of the electors offering to vote, and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name, and shall write opposite the name of any voter who has been sworn or refused to take the oath prescribed the words "Sworn" or "Refused to be sworn," as the case may be.

37. At five o'clock in the afternoon of the polling day each deputy returning officer shall declare the poll closed, and immediately thereafter he shall, in the presence of the poll clerk and the candidates and their agents or such thereof as may be present, sum up the votes given each candidate, and shall enter in the poll book immediately below the last name recorded, and sign a certificate in the following form :—

I, the undersigned, do solemnly declare that this poll book for polling division Number \_\_\_\_\_, for the Municipality of \_\_\_\_\_, contains a true record of the votes polled at this election for each candidate thereat, and that the number of



votes recorded for each of such candidates is as follows : (here insert the names of candidates, with the number of votes polled for each.)

Dated the

day of

188 .

38. The number of candidates required to be elected who shall on the final summing up of the votes be found to have a majority of votes, shall be declared elected to the office for which they were respectively nominated.

39. If on the final summing up of votes by the returning officer an equality of votes is found to exist among any of the candidates, the returning officer shall give a casting vote.

40. Within two days after the day of polling the deputy returning officers shall forward to the returning officer a certificate of the number of votes polled and for whom, together with the poll books, and the returning officer shall, on the fourth day after the day of polling, publicly declare the names of those elected and shall then deliver or post, directed to the nearest post office to each councillor so declared duly elected, a certificate of his election in the following form :—

“I hereby certify that  
the office) for the Municipality of  
(Signed)

is elected to serve ■■ (naming  
for the year

Returning Officer.”

41. In any case where an election is not held on the day appointed, or if by reason of any illegality in the election of the whole or a majority of the Council, the Lieutenant-Governor, or the Lieutenant-Governor in Council, may direct the holding of an election as provided for in the first election of councillors under this Ordinance.

42. In case a Municipality shall be divided into wards, the meeting for the nomination of candidates shall be held in one place in the Municipality, and the voters' list for each ward shall contain the names of only those persons who are entitled to vote in such ward, and the poll book furnished the deputy returning officer in each ward shall contain the names of the candidates for such ward only.

43. Each returning officer, deputy returning officer and poll clerk shall, before entering upon the duties of his office, make and subscribe before a Justice of the Peace or Notary Public the following oath, that is to say :

I do solemnly swear that I will truly, faithfully, and to the best of my knowledge and ability perform the duties of the office of (here name the office) to which I have been appointed. So help me God.

and such oath shall be delivered to the clerk of the Municipality with the poll books used at the election.

44. In case of neglect or refusal of the electors in the Municipality to

elect a Council as hereinbefore provided, the Lieutenant-Governor, or the Lieutenant-Governor in Council may appoint members from within the Municipality, being duly qualified, to act as such, or may in his discretion order a new election.

45. The clerk of the Municipality shall be, except as hereinbefore provided, or unless otherwise directed by by-law of the Council, returning officer of the Municipality; and any returning officer may exercise and perform the powers and duties of a deputy returning officer at any one polling place in the Municipality, to be selected by such returning officer or as directed by the Council.

46. The first meeting of the Council so elected shall be on the third Monday in January in each year, unless the same shall be a Statutory holiday, when it shall be held on the day next ensuing, and the Council of the previous year shall be deemed to hold office up to the first meeting of the new Council, notwithstanding the fiscal year shall expire on the thirty-first day of December in each year.

#### CHAIRMAN.

47. Except in the case of cities and towns, it shall be the duty of the new Council at its first meeting, after the members thereof have filed their certificates of election and have subscribed to the oaths hereinafter provided for, to proceed to the election of a Chairman, which shall be done by a majority of those present, being properly qualified, and the clerk shall preside at such meeting until a chairman is elected, and in case of a tie shall have a casting vote.

48. The Chairman, or Mayor as the case may be, shall preside at all meetings of the Council, preserve order, and enforce the rules of the Council, sign all orders or cheques on the Treasurer duly passed by the Council; be vigilant and active at all times in causing the by-laws of the Municipality to be put in force and duly executed; inspect and report to the Council on the conduct of the officers of the Municipality; cause, as far as may be in his power, all negligence, carelessness, or violation of duty, to be prosecuted and punished; communicate from time to time to the Council any information and make such recommendation as will tend to the improvement of the finances, health, security and comfort of the Municipality.

49. In the event of the absence of the Chairman or Mayor from any meeting, the Council shall elect a Chairman from amongst themselves, who shall have all the powers of the regular Chairman.

50. It shall be the duty of the Chairman or Mayor to call special meetings of the Council whenever requested to do so by a majority of the same in writing, and all the members thereof shall be duly notified of the time and place of holding the same at least two days previous to the holding thereof.

51. The Chairman or Mayor may vote on all questions, and in case of a tie shall have a casting vote, and any member of the Council may have the votes recorded on the minutes as aye or nay.

CLERK.

52. It shall be the duty of the Council at its first meeting to elect a Clerk, who shall hold office during the pleasure of the Council.

53. The Clerk shall truly record all resolutions, decisions and other proceedings of the Council, and, if required by the Council, shall record the name of every member voting and whether aye or nay, on any question coming before the Council; he shall keep the books, records, and accounts of the Council and shall preserve and file all accounts acted upon by the Council, and shall keep the original or certified copies of all by-laws of the Council as directed by by-law.

54. The Clerk of every Municipality shall make a collector's roll or rolls, as the case may be, containing columns for all information required by this Ordinance, in which he shall set down in full the name of every person assessed and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessment roll, and shall calculate and set down opposite the name of each party so assessed and under the columns headed "Statute Labor Fund," "Special Rates," "Debenture Fund," "Local Rate," and "School Rate," or as the case may be, the sum for which he is chargeable on account of such rates, and in the column headed "Total" the total amount of rates for which he is liable, and the Clerk shall deliver the roll certified under his name to the collector or collectors, on or before the first day of October, or such other day as may be prescribed by by-law or resolution of the Municipality.

55. In addition to the roll prescribed in the next preceding clause, the Clerk of the Municipality shall make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessment roll, together with the value of every lot and parcel of land as ascertained after the final revision of the roll, and shall enter opposite to each lot or parcel of land all the rates or taxes with which the same is chargeable as hereinafter provided, and shall deliver the same to the collector on or before the first day of October or as may be prescribed by by-law of the Municipality.

56. The Clerk of the Council shall, at the meeting of the Council immediately following the receipt of the auditors' report, submit the same to the Council, who shall finally audit and allow the account of the treasurer and collectors and all accounts chargeable against the Municipality, and in case of charges not regulated by by-law, the Council shall allow what is reasonable, and in cities and towns the Council may also appoint an auditor, who shall, as directed by the Council, examine



and report and audit the accounts of the Municipality, in conformity with any regulation or by-law of the Council.

57. The Clerk of every Municipality shall, on or before the first day of October in each year, prepare alphabetically for each township or special survey, as the case may be, or fraction thereof composing the Municipality, a list of those persons being duly qualified to vote at municipal elections therein whose names appear on the assessment roll as finally revised by the Court of Revision, and shall post the same in a conspicuous place in his office; such list shall contain, opposite the name of each voter, a short description of the property in respect of which he is entitled to vote.

58. The Clerk of every Municipality shall, within one week after the final revision of the assessment roll, deliver to the Road Overseer or Road Overseers appointed by the Council, a list of all parties assessed and liable for statute labor within their respective divisions, and the amount of statute labor for which each of such parties is liable.

59. It shall be the duty of the Clerk of every Municipality, on or before the first day of April in each year, to transmit to the Lieutenant-Governor a list of all persons elected as Councillors, together with a list of the officers of the Municipality appointed by by-law, the same to be signed by the head of the Municipality and the Clerk, and on or before the first day of December in each year, if the same has been ascertained, a list showing the total number of persons assessed in the Municipality, the number of acres under cultivation, the value of real property, the value of personal property, the total amount of taxes imposed, the debenture debt of the Municipality, the total assets of the Municipality, the total liability of the Municipality, the total revenue from sources other than assessment, the total amount collected for school purposes, the total amount expended on roads and bridges, and a detailed list of the salaries paid by the Municipality, and, in the case of towns and cities, a list showing the total value of real property, the total value of personal property, the total amount of taxes imposed, the total liability of the Municipality, the total revenue from sources other than assessment, the total amount expended for school purposes, the total amount expended on roads and bridges, and a detailed list of the salaries paid.

#### COUNCILS.

60. The jurisdiction of each Council shall be confined to the Municipality for which they are elected, unless authority is given otherwise by the Lieutenant-Governor in Council, and the powers of every Municipality shall be exercised by the Council or by the Mayor and Council.

61. A majority of the Council shall be a quorum at any meeting, but when the Council consists of only five members the concurrent votes of at least three shall be necessary to carry any resolution or other measure.

62. Every Council may make regulations and by-laws—not provided for by this Ordinance and not contrary to law—for governing its proceedings, calling meetings, the conduct of its members, appointing committees, and generally such regulations as the good of the Municipality may require, and may repeal, alter and amend its own by-laws, except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

63. The Council may pass a by-law for paying the members thereof, which shall in no case exceed the sum of three dollars per day and twenty cents for every mile necessarily travelled coming to or attending the business of the Council.

64. In case of the death or removal of any Councillor, or in the event of a vacancy occurring in the Council from any cause whatsoever, the Council at its next meeting shall order an election, and the member so elected shall hold office for the unexpired period of the member whose place he was elected to fill.

65. In the event of any Councillor refusing or neglecting to attend the meetings of the Council for three months, his seat shall be declared vacant, unless he shall have received permission to absent himself from the Council by a majority vote of the same at a regular meeting of the Council, which permission shall in no case be for a longer period than six months.

66. The Council of any Municipality may pass by-laws for

- (1) The raising of revenue by assessment on real and personal property and for collecting the same;
- (2) The expenditure of the revenue;
- (3) The maintenance of roads and bridges, and building the same, to lay out, open, change, close or extend roads, streets, alleys and by-ways;
- (4) The prevention of cruelty to animals not otherwise provided by law;
- (5) The abatement and prevention of nuisances;
- (6) The prevention or removal of abuses prejudicial to agriculture, not otherwise provided for by law;
- (7) The relief of the poor;
- (8) Drains and watercourses;
- (9) Drainage works and the regulation of ditches;
- (10) Public health;

- (11) Appointment of public officers and persons to enforce any provisions of this Ordinance ;
- (12) The maintenance of officers under any provisions of this Ordinance ;
- (13) The establishment and maintenance of pounds, the impounding of animals, running at large of the same, and regulating their detention and sale or release, subject to any legislation by the North-West Council ;
- (14) The erection of Municipal buildings, such as halls, lock-ups, weigh-houses, markets, and generally such buildings as may be deemed beneficial to the interests of the Municipality ;
- (15) The encouragement of the planting of trees on prairie lands, or the public highways, and remuneration for the same by commutation of statute labor or otherwise ;
- (16) Taking the census of the Municipality ;
- (17) Enforcing the by-laws of the Municipality by fine or imprisonment ;
- (18) The sale of land or personal property in satisfaction of unpaid taxes ;
- (19) The regulation of meetings of Council and conduct of its members ;
- (20) The duties of its officers, salaries and security to be given, not otherwise provided for by law ;
- (21) Public morals, not otherwise provided for by law ;
- (22) The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in the public market ;
- (23) For granting bonuses to manufactories, mills, railways, or any works of a public nature, subject to ratification by the ratepayers as hereinafter provided ;
- (24) Exemption from taxation from the then current year ;
- (25) Exemption from taxation for a longer period than one year, subject to ratification by the ratepayers as hereinafter provided ;
- (26) For granting aid to Agricultural Societies ;
- (27) For building, owning or operating grist mills, elevators and manufacturing establishments ;



(28) For licensing bridges and ferries wholly within the Municipality, not being the property of the Government, and allowing the collection of tolls thereon for periods not exceeding five years ;

(29) For subdividing the Municipality into wards and providing for the election of one or more councillors as herein provided for each ward ; but no Council shall have power to subdivide the Municipality into wards, unless they have been elected on a revised assessment roll.

67. At its first or subsequent meeting the Council shall pass a by-law for the appointment of a Treasurer, Assessor, Collector, Auditor, Road-overseers, Pound-keepers and Constables, and fix their remunerations.

68. The Council of every Municipality shall by by-law appoint one or more persons, not being members of the Council, as assessor or as assessors and collectors, or as one or both. If more than one assessor is appointed, the by-law shall define for each the division for which he is appointed, and where the Council of any Municipality has passed by-laws requiring taxes to be paid on or before a given time, it shall be the duty of the collector to make a return on oath, on the day following the time so named, of the names of all persons who have not so paid their Municipal taxes.

69. The Council of any Municipality may pass by-laws imposing an additional percentage charge on every or on all taxes not paid on the day named in the preceding section, which shall become a charge upon the property first assessed and shall be collectable as hereinafter provided.

#### ASSESSOR.

70. The assessor or assessors shall prepare an assessment roll in which he or they shall set down, according to the best information to be had, in consecutive columns :

- (1) The number of the assessment ;
- (2) The names in full, if the same can be ascertained, of all taxable persons resident within the Municipality who have property therein ;
- (3) The names and addresses of all non-resident property holders, so far as the same can be ascertained ;
- (4) The description and extent of property owned by each ;
- (5) The total actual cash value of real property ;
- (6) The total actual cash value of personal property ;
- (7) Taxable income, which shall be deemed to mean his income save

and except the sum of five hundred dollars other than that derived from any property, real or personal, for which he is assessed; income derived from stock or shares in any incorporated company shall be assessed against the individual holders thereof, and in the Municipality in which such individual holder resides;

- (8) To state after the name of the party assessed whether householder, freeholder, or tenant, by affixing the letter H., F., or T., as the case may be;
- (9) The age and address of the party;
- (10) Section, Township and Range, or Lot, Block and Street, or Lot in special survey;
- (11) Number of acres assessed, number under cultivation;
- (12) Religion and total number of family of each person rated as resident;
- (13) Number of cattle, sheep, horses, hogs and dogs;
- (14) And date of assessment and delivery of notice.

71. Every assessor shall, before delivery of his roll to the Clerk of the Municipality, deliver to the party assessed a notice of the sum at which his real and personal property and taxable income is assessed, or, if the person be not resident in the Municipality, shall post addressed to the nearest post office to his address, if the same can be ascertained, or if the same cannot be ascertained, then to the post office nearest the property assessed, and shall enter on the roll opposite the name the date of such delivery or posting, and such entry made shall be deemed *prima facie* evidence of delivery.

72. The assessors shall make and complete and deliver their rolls to the Clerk of the Municipality in each year on or before the fifteenth day of April, and shall attach thereto a certificate in manner following:

I hereby certify that I have in the foregoing assessment roll assessed the Municipality of \_\_\_\_\_ (or part as the case may be, naming the part) according to Ordinance provided, to the best of my knowledge and ability.  
(Signed)

Assessor.

73. In the case of a partnership or company having more than one place of business within the Municipality, the personal property thereof shall be assessed in the locality where it is situate, and if this cannot be done, the partnership or company may elect at which of its places of business it will be assessed for the whole of its personal property.

74. If a resident has no place of business, he shall be assessed at his place of residence.

75. It shall be the duty of every person assessable for real or personal property in every Municipality to give all information to the assessors, and he may deliver to the assessors a statement in writing setting forth the particulars of the property for which he should be assessed, but no such statement shall bind the assessor or excuse him from making due enquiry as to its correctness.

76. In assessing vacant ground or ground used as a farm garden or nursery, and not in immediate demand for building purposes in cities or towns, the value of such vacant ground shall be that at which sales of it can be freely made, and where no sales of it can be reasonably expected during the current year, the assessor shall value it as if held for farming or gardening purposes, with such percentage added as the situation of the land may reasonably call for, and such vacant land, whether surveyed into lots or not, if unsold as such, may be entered on the assessment roll as so much of the original lot or section as the case may be, and where ground is not held for purposes of sale but *bona fide*, inclosed and used in connection with a residence or building as a paddock, garden, park or lawn, it shall be assessed at a valuation which at six per centum would yield a sum equal to the annual rental which in the judgement of the assessor it is reasonably worth, reference being always had to its position and local advantages.

#### EXEMPTIONS.

77. All land or personal property in the Territories shall be liable to taxation, subject to the following exemptions:—

- (1) All property held by Her Majesty or specially exempted by the Parliament of Canada or for the public use of the Government of the Territories;
- (2) All property held by or in trust for the use of any tribe of Indians or the property of the Indian Department;
- (3) Where any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable;
- (4) The grounds and buildings of all public schools, universities, collegiate institutes or incorporated seminaries, being public property, so long as such property is actually used or held for educational purposes;
- (5) All property belonging to the Municipality when held and occupied or in the use of the corporation and the personal property belonging to the same;
- (6) Jails and court houses and the necessary land attached thereto;



- (7) Churches and the land on which they stand, not exceeding one half acre, in towns and cities, together with the buildings thereon used for the purposes of the said church or occupied by the incumbent or priest, and, in rural Municipalities, one hundred and sixty acres of land in addition to the above, if the same is actually used for the support and maintenance of any church or mission; orphanages, poor-houses, houses of industry, asylums, being public institutions, and the real and personal property connected with the same;
- (8) The property of every public library;
- (9) The income of a farmer derived from his farm and the income of merchants, mechanics and other persons derived from capital liable to taxation;
- (10) So much of the personal property of any person as is invested in the debentures or bonds of any Municipality within the Territories;
- (11) Personal property to the extent of two hundred dollars;
- (12) Grain *in transitu*, household effects of every kind, books and wearing apparel.

#### RATES.

78. In every Municipality the rates shall be calculated at so much in the dollar on the actual value of all the real and personal property liable to assessment.

79. The Council of every Municipality shall every year, on or before the fifteenth day of July, make estimates of all sums which may be required for the lawful purposes of the Municipality for the year or that part thereof for which the sums are required to be levied, making due allowance for the costs of collection and abatement and losses which may occur in the collection of the taxes on the lands of non-residents.

80. The Council of the Municipality shall pass a by-law authorizing the levying and collecting of a rate or rates of so much in the dollar on the assessed value of the property therein as the Council deems sufficient to raise the sum required in such estimates, but in no case shall the rate imposed exceed two cents on the dollar of the assessment in any year, including local and special rates, but not including school rates.

81. If the amount collected falls short of the sums required, the Council may direct the deficiency to be made up from any fund belonging to the Municipality, except sinking funds to retire debentures.

82. If there be no unappropriated funds, the deficiency may be deducted from the sums estimated as required, or from any one or more of them.

83. Should the amount collected exceed the estimates, the sum in excess shall form part of a general fund of the Municipality, and shall be at the disposal of the Council.

84. In cases where the amount collected has been on account of some special purpose, and is not required for such purpose, it shall also form part of the general fund of the Municipality.

85. The taxes or rates imposed in any year shall be deemed to be due on the first day of January of the then current year.

86. The taxes accrued on any land shall be a special lien upon such land, having preference of any claim, lien, privilege or incumbrance of any party except the Crown, and shall not require registration to preserve it, and taxes due shall be a debt due the corporation of the Municipality wherein the lands are situated.

87. The Council may, from time to time, extend the time at which all taxes shall be paid, but not beyond the twentieth day of December in each year.

88. The real estate and personal property of all railway companies is to be considered as the property of residents within the Municipality.

#### APPEAL FROM ASSESSMENT ROLL AND REVISION OF ROLL

89. If the Council of a Municipality consists of not more than five members, it shall form a Court of Revision for the Municipality.

90. If a Council consists of more than five members, the Council shall appoint five of its members to be a Court of Revision, and three thereof shall be a quorum for the transaction of business.

91. The Clerk of the Municipality shall be the Clerk of the Court, and shall record all the proceedings thereof.

92. The Court may meet and adjourn from time to time, and may be summoned to meet at any time by the head of the Municipality.

93. All evidence before the Court of Revision shall be taken on oath and any member shall be competent to administer the oath to any person giving evidence before the Court.

94. At the time appointed the Court shall meet and try all complaints in regard to persons wrongfully placed upon the roll or omitted therefrom or assessed too high or too low, as the case may be.

95. All the duties of the Court of Revision which relate to the matters aforesaid and the rolls finally revised by the Court shall be completed before the fifteenth day of June in each year.

96. The proceedings for the trial of complaints shall be as follows:—

- (1) Any person assessed within the Municipality who considers himself aggrieved for any or all of the causes hereinafter referred to, may within fourteen days of the time fixed for the return of the roll, give notice in writing to the Clerk of the Municipality that he considers himself so aggrieved, naming the complaints and grounds of appeal and upon what property;
- (2) If any ratepayer within the Municipality thinks that any person has been assessed too high or too low, or has been wrongfully inserted in or omitted from the assessment roll, the Clerk shall, on his request in writing, give notice to such person and to the assessor of the time when the matter will be tried by the Court, and the matter shall be decided in the same manner as complaints by a person assessed;
- (3) The Clerk of the Court shall post up in some convenient place within the Municipality a list of all complaints in their own behalf against the assessors' return and all complaints on account of other persons stating the names of each, the applicant and respecting whom, with a concise description of the matter complained against, together with an announcement of the time when the Court will be held to hear the complaints;
- (4) If it should appear to the Court that palpable errors exist in the assessment roll which should be corrected, they may recommend that the Council extend the time for making complaints and the Council may, by resolution, extend the time;
- (5) The Clerk shall cause to be left at the residence of each assessor a list of all complaints respecting his roll and shall also prepare a notice in the form following for each person with respect to whom a complaint has been made:

Take notice that you are required to attend the Court of Revision at \_\_\_\_\_ on  
 the \_\_\_\_\_ day of \_\_\_\_\_ in the matter of the following appeal \_\_\_\_\_ ap-  
 pellant. That you are assessed (too high) or (too low) or (not a *bona fide* resident) or  
 as the case may be.

Signed,

Clerk.

- (6) If a person resides or has a place of business within the Municipality, the Clerk shall cause the notice to be left at the person's residence or place of business;
- (7) If the person be not a resident then the notice shall be addressed to such person through the post office if his address be known to him; if not known, then addressed to him to the post office nearest the place where the property for which he is assessed is situated, or to his agent, if one appears for him;



- (8) Every notice hereby required shall be served or posted at least six days before the sitting of the Court ;
- (9) Persons complained against may appear before the Court in person or by agent ;
- (10) The Court, after hearing the complainant and the party complained against and any evidence adduced as well as the assessor, shall determine the matter and confirm or amend the roll accordingly ;
- (11) If either party fail to appear, either in person or by agent, the Court may proceed *ex parte*.

97. The roll, as finally passed by the Court, and certified by the Clerk of the Court as so passed, shall be valid and bind all parties concerned notwithstanding any error or defect in regard to such roll.

#### STATUTE LABOR.

98. Every person assessed upon the assessment roll of a Township shall, if his property be assessed at not more than three hundred dollars, be liable to one day's statute labor, and for every three hundred dollars or part thereof in excess of said sum, to an additional day's statute labor.

99. Every other male inhabitant of the Municipality of the age of twenty-one years or upwards and under the age of sixty years, not assessed as herein provided, shall be liable to one day's statute labor.

100. Every person liable to statute labor as hereinbefore provided may commute the same at the rate of two dollars per day.

101. The Council of any Municipality may by by-law commute the statute labor of any person or persons resident within the Municipality with regard to any certain specified property, for a term of years, in consideration of statute labor to be performed in any one year.

#### COLLECTORS AND THEIR DUTIES.

102. All rates, assessments, charges, collections and taxes required to be collected by any provision of this Ordinance shall be collected as hereinafter provided.

103. The collector, upon receiving the collector's roll, shall proceed to collect the taxes therein mentioned and shall call at least once upon the person taxed or at the place of his usual residence or place of business, if within the Municipality, and shall demand payment of the taxes payable by such person, and shall at the time of such demand enter the date thereof on his collection roll opposite the name of the person taxed, and such entry shall be *prima facie* evidence of such demand.

104. In case any person neglects or refuses to pay his taxes for fourteen days after such demand, the collector may, by himself or by agent appointed by him in writing, levy the same, with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels found on the premises, the property of or in the possession of any other occupant on the premises, and the costs chargeable for such levying and distress shall be: For mileage for executing distress, ten cents; attendance levying on distress warrant and returning the same per day, two dollars; for selling, not exceeding amount of distress, five per cent.

105. In the case of any person whose name appears upon the non-resident roll, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if any such notice has been given, or if the address cannot be ascertained then posted in the post office nearest to which the property assessed is situated, a statement and demand of the taxes charged against him on the roll, and shall at the time of such transmission enter the date thereof opposite the name of such person on the roll, and such entry shall be *prima facie* evidence of such transmission and of the time thereof.

106. In case of the lands of non-residents, if after one month from the time of such notice as aforesaid the taxes or rates as levied against the said lands be not paid, then the collector or his agent may make distress on any goods or chattels which he may find upon the land and no claim of property, privilege or lien shall be available to prevent the sale or payment of the taxes or costs out of the proceeds thereof and the costs and charges or fees attending the same shall be collectable as hereinbefore provided.

107. The collector shall, by advertisement over his hand posted up in at least three public places within the Municipality within which the sale of goods and chattels distrained is to be made, give at least six days' public notice of the time and place of such sale and of the name of the person whose property is to be sold, and at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to satisfy the claims of the collector, including costs and charges attending the levying and distraining and collection as may be necessary.

108. If the property distrained has been sold for more than the amount of taxes and costs, and if no claim for the surplus has been made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the said property was when the distress was made, or if such claim be made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant.

109. If the claim is contested such surplus money shall be paid over

by the collector to the treasurer of the Municipality, who shall retain the same until the respective rights of the parties have been determined by action at law or by arbitration as provided in this Ordinance.

110. If the taxes payable by any person cannot be recovered in any special manner provided by this Ordinance, they may be recovered with interest and costs as a debt due to the local Municipality, in which case the production of a copy of so much of the collector's roll of the taxes payable by such person, certified to be a true copy by the Clerk of the Municipality shall be *prima facie* evidence of the debt.

111. On or before the fourteenth day of December in every year, or on such day in the next year not later than the first day of February as the Council of the Municipality may appoint, every collector shall return his roll to the treasurer of the Municipality, and shall pay over the amount then in his hands collected by him to such treasurer, specifying in a separate column in his roll how much of the whole amount paid over is on account of each separate rate, and shall under oath verify the dates of the demands of payment and of the amounts returned as paid by him opposite the name of each party in the collector's roll in manner following :—

"I, \_\_\_\_\_ Collector, do solemnly swear that the foregoing roll contains a true account of the moneys collected by me ; that the date of the demands of payment is correctly set forth, and that I have paid in all the moneys collected by me. So help me God."

112. If any of the taxes mentioned in the collector's roll remain unpaid, and the collector be not able to collect the same, he shall deliver to the treasurer of the Municipality an account of all the taxes remaining due on the roll, and in such account the collector shall show opposite to each assessment the reason why such collection could not be made, by inserting, as the case may be, the words "non-resident" or "not sufficient property to distrain."

113. The taxes accrued on any land shall be a special lien on such land having preference over any claim, lien, privilege or incumbrance of any party whomsoever, except the Crown, and shall not require registration to preserve it.

114. In the case of unoccupied lots or parcels of land in any Municipality the owner of which cannot be ascertained, notices required by this Ordinance posted in the office of the Clerk of the Municipality shall be deemed service of notice on the owner.

#### TREASURER.

115. The Council of every Municipality shall appoint a Treasurer, who may be paid by salary or by percentage, and the Treasurer so appointed shall, before entering upon the duties of his office, give such security as the Council directs for the faithful discharge of such duties ;



and it shall be the duty of every Council in each year to enquire into the sufficiency of the security given by such Treasurer and to report thereon.

116. The Treasurer shall receive and safely keep all moneys belonging to the Municipality, and shall pay out the same in such a manner as the laws of the Territories and the lawful by-laws of the Council of the Municipality whose officer he is, direct; but no member of the Council shall receive any money from such Treasurer for any work performed, except as remuneration for services

117. The Treasurer shall keep regular books of account in such manner as may be directed from time to time by the Council, and which shall show faithfully all moneys received and how expended, and he shall exact and retain vouchers and receipts for all moneys paid, and he shall prepare and submit to the Council at least once in every month a correct statement of the moneys at the credit of the Corporation, and shall also on or before the twentieth day of December in each year prepare and transmit to the Clerk of the Municipality a list of all persons who have not paid their Municipal taxes on or before the fourteenth day of December.

118. In case any Treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to the Municipality.

119. The Treasurer of the Municipality may also be Treasurer of the School Fund.

120. The Treasurer shall not be eligible as Auditor.

121. It shall be the duty of the Treasurer to see that moneys collected under by-law for the purpose of the payment of interest on debentures issued by the Municipality or providing for a sinking fund for the same are properly applied.

122. It shall be the duty of the Treasurer to keep a Debenture Registry book, in which he shall enter a copy of all certificates of owners of debentures which he may give, and also any subsequent transfer of such debentures, and no such entries shall be made except upon the written authority of the person last entered in such book as the owner thereof or his executors or administrators or his lawful attorney, whose authority shall be retained by the Treasurer.

123. The Council of every Municipality may authorize the chairman thereof with the Treasurer, under the seal of the Corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the Corporation until such time as the taxes levied thereon can be collected.

AUDITORS AND AUDIT.

124. Every Council shall at the first meeting thereof in every year appoint one or more auditors, but no one who at such time or during the preceding year is or was a member of the Council or any officer under the Corporation, or who has during such preceding year had either directly or indirectly a share or interest in any contract with or on behalf of the Municipality, except as auditor, shall be appointed as such.

125. The auditors or auditor shall examine and report upon all accounts affecting the Municipality or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceding their appointment.

126. The auditor or auditors shall prepare an abstract of the receipts, expenditure, assets and liabilities of the Municipality, and also a detailed statement of the said particulars in form as the Council may direct, and shall make a special report of any expenditure made contrary to law, and shall file the same in the office of the Clerk of the Council within one month after their appointment, and thereafter any inhabitant or ratepayer of the Municipality may inspect the said report, and may by himself or agent, at his own expense, take a copy thereof or extracts therefrom.

VOTERS' LISTS.

127. Any person who has been resident in the Municipality in the then current year prior to the first day of July, and who is otherwise duly qualified, whose name does not appear on the voters' list or who is not assessed high enough to be qualified as a voter, or whose name is put down in error, may, either by himself or agent, notify the Clerk in writing of his intention to apply to have his name inserted on the said list or to have the list otherwise amended, as the case may be, in form following :

To the Clerk of the Municipality of

Take notice that I intend applying to the Council to have my name added to the list (or to have the list corrected, as the case may be,) as a voter in \_\_\_\_\_ that I should be assessed for Lot \_\_\_\_\_ or Section \_\_\_\_\_ (inserting the number of the Lot, Block and name of Street, or Section, Township and Range, as the case may be,) or that I should be assessed upon income for \_\_\_\_\_ dollars, or that my name is wrongfully omitted, or that my name is put down in error, as the case may be.

(Signature of Applicant.) ..... Applicant.

or (name of Applicant.) ..... Applicant by his Agent.

(Signature of Agent.) .....

128. If any person qualified as a voter on income has left the Municipality, or if a person has disposed of the property for which he was qualified as a voter under this Ordinance before the first day of October in the then current year, he shall be deemed disqualified as a voter, and

any person duly qualified may apply to have the name of the party so disqualified struck off the voters' list by notifying the Clerk of his intention of applying to the Council for that purpose as provided in the preceding section.

129. Notices served upon the Clerk under the two preceding sections shall be served in each year on or before the first day of November.

130. On or before the fifth day of November, the Clerk shall make a list of all parties applying to have their names added to the voters' list and of the names of those that have applied to be struck off the list, together with the name of the party applying and for what cause, and shall post the same in a conspicuous place in his office, and shall immediately thereafter notify the parties interested that application has been made to add or to strike off (as the case may be) their names from the voters' list.

131. On or before the first day of December in each year the Council of each Municipality shall meet as a final Court of Revision on the voters' list and shall hear and determine all cases and applications of which notice has been given to the Clerk as hereinbefore provided, and shall have power to add to, strike off or amend the voters' list, as they may deem fit and right, and after all cases have been so heard and determined upon, the list as finally amended and revised by them, shall be the voters' list of the Municipality for the year next ensuing.

#### BY-LAWS.

132. Every By-law under this Ordinance shall be under the seal of the Municipality, and shall be signed by the head of the Municipality or by the person presiding at the meeting at which the By-law is finally passed, and by the Clerk of the Municipality, and every such By-law shall have three distinct and separate readings before the same shall be finally passed, but not more than two readings shall be had at any one meeting, except by the unanimous vote of the Council present.

133. A copy of any By-law, written or printed, without erasure or interlineation, and under the seal of the Municipality certified to be a true copy by the Clerk thereof and by any member of the Council, shall be authentic and received as evidence in any Court of Justice, without proof of the seal or signatures, unless it is specially pleaded or alleged on oath that the seal or one or both of the signatures have been forged, or that the same is not a true copy of the By-law which it purports to be a true copy of.

134. All By-laws for contracting debts or borrowing money, except such as provide for the repayment thereof within the financial year, shall, before the final passing thereof, receive the assent of a majority of the ratepayers entitled to vote thereon in the manner hereinafter mentioned.



135. No By-law for any of the purposes mentioned in Sub-Sections twenty-three, twenty-five and twenty-seven of Section number sixty-six of this Ordinance shall be introduced or entertained by the Council, except on a petition of one-half the ratepayers of the Municipality, and all such By-laws shall, before the final passing thereof, receive the assent of a majority of the ratepayers voting thereon in the manner hereinafter provided—provided, however, that upon the introduction of any such By-law no informality in the proceedings, prior to such introduction, shall affect its validity.

136. In case a By-law requires the assent of the electors of the Municipality before the passing thereof, the following proceedings shall be taken for ascertaining such assent:—

- (1) The Council shall by the By-law fix the day and hour for taking the votes of the electors and such places in the Municipality as the Council shall in their discretion deem best, and where the votes are to be taken at more than one place, shall name a deputy returning officer to take the votes at each place, and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed By-law as hereinafter provided.
- (2) The Council shall, before the voting thereon by the ratepayers, publish a copy of the By-law in some public newspaper, published within the said Municipality, or, if there be no such newspaper, in some public newspaper near the Municipality, and such publication shall be continued in at least one number weekly of such newspaper for three successive weeks, and shall also put up a copy of the By-law at four or more of the most public places of the Municipality ;
- (3) Appended to each copy shall be a notice signed by the Clerk of the Council stating that such is a true copy of the proposed By-law which will be taken into consideration after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held ;
- (4) The Deputy Returning Officer shall open the polls at the day and hour named, and record the votes as provided in elections under this Ordinance, and shall also make returns as hereinbefore provided.

137. The Council shall by a By-law fix a time and a place when the Clerk of the Council which proposed the By-law shall sum up the number of votes given for or against the By-law.

138. On the application of any person interested in promoting or opposing the passage of the By-law, the Chairman or Mayor shall authorize

the attendance of one person to attend, on behalf of the party applying, at each polling place and at the final summing up of the votes.

139. Ratepayers entitled to vote on any By-law requiring the assent of the ratepayers shall be those so duly qualified and assessed as a freeholder on the last revised assessment roll for not less than six hundred dollars, either by himself or his wife or who or whose wife is a leaseholder of real property within the Municipality of such value and who is rated on the last revised assessment roll therefor, and which lease extends for a period of time for which the debt to be contracted or the money to be raised by such By-law is made payable and by which lease the lessee has covenanted to pay all Municipal taxes in respect of the property leased and which person is named on the last revised voters' list.

140. The oaths to be submitted to voters shall be in form similar to those administered to electors when voting for Municipal Councillors, provided, however, that such voters are otherwise duly qualified to vote for such By-law.

141. The Clerk, after he has received certified returns from the deputy returning officers of the number of votes given at each polling place, shall at the time and place appointed by the By-law, in the presence of the persons authorized to attend or such of them as may be present, sum up from such statements the number of votes for and against such By-law, and shall then and there declare the result and forthwith certify to the Council under his hand whether the majority of the electors voting upon the By-law approved or disapproved of the same.

142. Any By-law which is carried by a majority of the duly qualified electors voting thereon, shall, within six weeks thereafter, be passed by the Council which submitted the same.

143. A By-law requiring the assent of the electors shall come into operation within thirty days after the final passing thereof by the Council.

144. Any elector may, within thirty days after the final passing of a By-law requiring the assent of the ratepayers, in his own name, by a petition presented to a Stipendiary Magistrate, or to any court of competent jurisdiction, demand and obtain, on the ground of illegality, the annulment of any By-law passed under the provisions of this Ordinance; but every such petition must be accompanied by a deposit of fifty dollars as security for costs.

145. The annulment of part only of a By-law may be demanded in the same way.

146. The petition must set forth in a clear and precise manner the reasons alleged in support of the demand, and must be accompanied by a certified copy of the By-law, if such copy can be obtained, and if such copy cannot be obtained by the applicant, the Stipendiary Magistrate or

Court may order the Clerk of the Municipality or any person in whose custody such By-law may be, to produce such copy duly certified, and the person so ordered is for this purpose deemed to be an officer of the Court which gives such order.

147. A copy of such petition must be served on the Clerk and upon the Chairman or Mayor of the Municipality, or in the absence of either of them the same may be served on any grown-up person at their domiciles, at least eight days before it is presented to the Stipendiary Magistrate or Court, and such copy shall state at what day, hour and place the said petition shall be presented to the Stipendiary Magistrate or Court, and an affidavit of such service made before a Justice of the Peace or a Notary Public must accompany such petition.

148. No application to quash or annul any such By-law in whole or in part shall be entertained by any Stipendiary Magistrate or Court unless such application is made within thirty days from the passing of such By-law, except when such By-law has not been submitted or has not received the assent of such electors or ratepayers, and in such case an application to quash such By-law may be made at any time.

149. Before determining any application for the quashing of any By-law, if it is made to appear to the Stipendiary Magistrate or Court that probable grounds exist, he may make an order for an enquiry to be held, upon such notice to the parties affected as he may direct, concerning the same.

150. After an order has been made by a Stipendiary Magistrate or Court directing an enquiry, and after a copy of such order has been served as herein provided, all further proceedings on the By-law shall be stayed until after the application in respect of which the enquiry has been disposed of; but if the matter is not prosecuted to the satisfaction of the Stipendiary Magistrate or Court, he may remove the stay of proceedings.

151. No By-law shall be set aside for corrupt practices provided the passage thereof was not affected by such corrupt practices.

#### BY-LAWS FOR CREATING DEBTS.

152. Every Municipality may, under the formalities required by this Ordinance, pass By-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts on the rateable property of the Municipality for any purpose within the jurisdiction of the Municipality, or on roads and bridges, or water works outside the limits of the Municipality, but no such By-law shall be valid which is not in accordance with the following provisions and restrictions, except in so far as is otherwise provided by the two next sections of this Ordinance:



- (1) The By-law, if not for the purpose of creating a debt for the purchase of public works, shall name a day when the By-law is to take effect ;
- (2) If not contracted for lighting, drainage or water works, or for purchase of public works, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at the furthest from the day on which the said By-law takes effect, and if the debt is contracted for lighting, drainage or water works the same shall in like manner be paid in thirty years at furthest from the day on which the By-law takes effect ;
- (3) The By-law shall settle an equal annual rate in addition to all other rates to be provided in each year for paying the debt and interest ;
- (4) Such special rate shall be sufficient according to the amount of rateable property appearing by the last revised assessment roll, to discharge the debt and interest when respectively payable ;
- (5) No future increase of the rateable property within the Municipality, nor any extra income of any nature or interest whatsoever from any work whatsoever, stock, share or interest therein, shall be taken into account in estimating the rateable property ; nevertheless, if by reason of the increase or decrease in the valuation of property in the Municipality, the annual rate as hereinbefore provided should require to be greater or less as the case may be, the rate may be increased or decreased accordingly ;
- (6) The By-law, unless it is for a work payable by local assessment, shall recite the amount and object of the debt, the amount to be raised annually, the value of the rateable property according to the last revised assessment roll, the amount of the existing debt of the Municipality, the interest and principal separately, and how much, if any, of each is in arrear, and the annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal of the new debt according to this Ordinance, or, in case the debt is payable by annual instalments of interest and principal, as they respectively become due.

153. If the By-law is for work payable by local assessment, it shall recite :

- (1) The amount of the debt which such By-law is intended to create and the object for which it is to be created ;
- (2) The total amount required by this Ordinance to be raised annually by special rate for paying the debt and interest under the By-law ;

- (3) The value of the whole real property ratable under the By-law as finally determined as aforesaid ;
- (4) The annual special rate in the dollar, or in the case of towns and cities, on the foot frontage or otherwise, as the case may be, for paying the interest and creating a yearly sinking fund for paying the principal of the debt, or for discharging instalments of principal, according to the provisions of this Ordinance ; or in case the debt is payable by instalments annually, for paying the same, principal and interest, respectively, as they become due ;
- (5) That the debt is created on the security of the special rate settled by the By-law, and on that security only.

154. In any case of passing a By-law for contracting a debt or borrowing money for any purpose, the Council may in its discretion make the principal of such debt repayable by annual instalments during the currency of the period, in no case to exceed thirty years, as hereinbefore provided, within which the debt is to be discharged, such instalments to be of such amount that the aggregate amount payable as principal and interest in any year shall be equal, as nearly as possible, to what is payable for principal and interest during each of the other years of such period, and may issue the debentures of the Municipal corporation for the amounts and payable at the times corresponding with such instalments together with interest, as may be provided in such By-law.

155. Such By-law shall set forth the annual special rate to be raised in each year during the currency of the debt, which shall be sufficient according to the amount of rateable property appearing by the last revised assessment roll to discharge the several instalments of principal and interest accruing due on said debts as the said instalments become respectively payable according to the terms of such By-law ; and in cases within this section it shall not be necessary that any provision be made for the creation of a sinking fund.

156. No officer of any Municipality shall neglect or refuse to carry into effect any By-law for paying a debt under cloak of a By-law illegally attempting to repeal such first By-law, or to alter the same so as to diminish the amount to be levied under it.

#### CORRUPT PRACTICES.

157. The following persons shall be guilty of corrupt practices :—

158. Any person who, by himself or his agent, gives or lends or promises to give or lend any money or valuable consideration, or gives to any person intoxicating liquor to induce him to vote or refrain from voting, or who shall give, offer, or procure any office, place or employment to or for any voter, or on his behalf, in order to induce any voter

to vote or refrain from voting at any election under this Ordinance or at any voting on any By-law, or who shall advance, or pay, or cause to be advanced or paid, any money, any portion of which was or shall be employed in bribery at any election under this Ordinance or at any voting on any By-law, shall be guilty of corrupt practices.

159. Any person who shall before, during, or after any Municipal election or the voting on any By-law, either by himself or by any one in his behalf, directly or indirectly, receive, agree or contract for any money, gift, loan, consideration, employment or office, for himself or for any other person, for voting or for refraining from voting, or for having induced any other person to vote or refraining from voting at any Municipal election or on any By-law under this Ordinance, shall be guilty of corrupt practices.

160. Any person who shall hire any teams, horses, carriages, or other vehicles for the purposes of conveying electors to or from any polls for voting at a Municipal election or upon any By-law under this Ordinance, shall be guilty of corrupt practices.

161. Any person who shall directly or indirectly, either by himself or his agent, make or use or threaten any force, violence or restraint, or threaten the infliction by himself or through his agent, or through any other person, of any injury, damage or loss, or in any way, manner or practice intimidate or threaten intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or who shall in any way prevent or otherwise interfere with the free exercise of the franchise of any voter, shall be guilty of corrupt practices.

162. Any candidate elected at any Municipal election who shall be found guilty by the Stipendiary Magistrate of corrupt practices shall forfeit his seat, and shall be rendered ineligible as a candidate at any Municipal election for two years thereafter. The vote of every person found guilty upon any trial or inquiry as to the validity of an election or a By-law shall be void, and any person so found guilty shall be disqualified from voting at any Municipal election or upon any By-law for the next succeeding two years.

163. In addition to the penalties heretofore imposed, any person found guilty of corrupt practices shall incur a penalty of not less than twenty-five nor more than one hundred dollars.

164. Any trial or inquiry on a charge of corrupt practices under this Ordinance shall be had on petition before the Stipendiary Magistrate in manner similar to proceedings to be taken to quash a By-law, and proceedings must be commenced within thirty days after the offence has been committed.

#### TOWNS.

165. The Lieutenant-Governor or the Lieutenant-Governor in Council



shall, by proclamation, establish Town Municipalities at any time on a petition of two-thirds of the residents of the area sought to be incorporated, which shall not be less than three hundred and twenty nor more than two thousand five hundred and sixty acres, some portion of which is sub-divided into lots as defined in this Ordinance.

166. The petition to state the name of the proposed Town, Sections and Range, the Townships or parts thereof, or lots in a special survey or parts thereof, with a diagram showing the boundaries of the proposed Municipality, stating what portions thereof is surveyed into lots; and, if any portion of the proposed Municipality forms part of an existing Municipality, shall be accompanied by a statement showing :

- (1) The total liabilities and assets of each Municipality, if any interested;
- (2) The total assessed value of all the property in each of the Municipalities, if any interested;
- (3) The total assessed value of all the property in the area proposed to be incorporated which forms part of any existing Municipality;
- (4) The total value of Municipal property in each of the Municipalities interested; and
- (5) The total value of Municipal property within the area proposed to be incorporated.

167. Every application for incorporation as a Town under this Ordinance shall be accompanied by the sum of one hundred dollars, which shall belong to the general fund of the North-West Territories.

168. All census returns, petitions, statements, and any other documents furnished or proposed to be furnished for incorporation of Towns shall be certified and sworn to before a Justice of the Peace or Notary Public for the North-West Territories.

169. On receipt of the petition, the Lieutenant-Governor shall cause a notice to be inserted in a paper published within the area proposed to be incorporated, or if there be not one, then in a paper published nearest the place proposed to be incorporated, weekly for four consecutive weeks, setting forth his intention of erecting the proposed locality (describing the same) into a Town under the name of the corporation of the Town of (here naming the Town as in the petition.)

170. If after the publication of the notice as aforesaid for four consecutive weeks no proceedings be taken against the erection of the Municipality by the residents thereof, the Lieutenant-Governor shall proclaim the proposed area a Municipality, and shall order the election of a Mayor and four Councillors, and from and after the said proclama-

tion, the inhabitants of such Municipality shall become a body corporate under the name of the corporation of the Town of \_\_\_\_\_, capable of suing and being sued and of acquiring, holding and conveying every description of property under the name of such corporation.

171. Proceedings against the erection of an area into a Town Municipality may be taken by petition to the Lieutenant-Governor against its erection, and such petition must be accompanied with the sum of fifty dollars.

172. On receipt of a petition purporting to be signed by one-third of the residents of the proposed Municipality, the Lieutenant-Governor shall forthwith cause a notice to be inserted in a paper published within the area to be incorporated, or if there be not one, then in a paper published nearest the place proposed to be incorporated for four consecutive weeks, setting forth that proceedings have been taken against the erection of the proposed Municipality, and ordering that an election shall be held in four weeks from the date of the first publication of the notice.

173. The election shall be held in the same way as first elections under this Ordinance, and the voters shall record their votes for or against the erection of the Municipality, and the returning officer shall make a return of the election duly certified to the Lieutenant-Governor within three days after such election.

174. If the majority of votes polled at the said election are for the erection, the Lieutenant-Governor shall forthwith proceed to erect the same without further notice; but if the majority of the votes polled are against the erection, all proceedings connected therewith shall be dropped.

175. In case the Town so erected forms part of one or more Municipalities, and in case of there being any matters in dispute, such as the arranging of existing debts or the distribution of Municipal property, the same may be settled by arbitration as hereinafter provided.

176. Nothing in this Ordinance shall affect the liability already incurred, of the Town or any portion thereof to contribute to schools.

177. In addition to the powers conferred on Municipal corporations by this Ordinance, the Council of the Town shall have power to pass By-laws :

- (1) To establish a fire department, to appoint the officers thereof, regulate and provide their remuneration, and prescribe their duties;
- (2) To provide protection from fire by the purchase of engines and equipment for the extinguishment and suppression of fires;

- (3) To compel the inhabitants to assist and aid in the extinguishment of fires ; to pull down and raze buildings in the vicinity of fires, for the purpose of preventing the spreading of the same ;
- (4) To regulate fire districts ;
- (5) To make fire limits within which wooden buildings may not be erected ;
- (6) Generally to establish such measures as the safety and welfare of the Town may require for the prevention and extinguishing of fires ;
- (7) To purchase, control, erect or build parks and cemeteries ;
- (8) To control and build sewers, drains, ditches and water-courses ;
- (9) To build and repair sidewalks ;
- (10) To prevent the incumbering of streets or other public places by buggies, vehicles, wagons, agricultural implements, lumber and other articles ;
- (11) To regulate the rate or pace of driving within the Town ;
- (12) To compel the removal of dirt, filth, dust or rubbish off the streets, lanes, alleys or by-ways by the party depositing the same, or by the owner or occupant before whose property it is, or in default, to order the same at his expense ;
- (13) To compel the removal of anything deemed dangerous to the lives of the inhabitants ;
- (14) To license porters, draymen, hackmen, omnibus-drivers and guides, and regulate the same ;
- (15) To establish markets and restrain selling on the streets ;
- (16) To license or prohibit shows, circuses, theatres or caravans ;
- (17) To create a Board of Health, and to define and regulate their duties ;
- (18) To license refreshment houses, hotels and places of public resort or accommodation ;
- (19) To build waterworks and regulate the same, but not to grant exclusive privileges for the same ;
- (20) To erect lamp posts and lamps, and provide for lighting the Town ;
- (21) To appoint policemen, watchmen and patrols, and regulate and define the duties for the same ;



- (22) To make and regulate the use of public wells, cisterns and reservoirs ;
- (23) For regulating the assize of bread, and preventing the use of deliterious materials in making bread, and for providing for the seizure and forfeiture of bread made contrary to By-law ;
- (24) And generally to make and establish all such By-laws and regulations for the government and good order of the Town, the suppression of vice and immorality, the protection of property, the benefit of trade and commerce, and the promotion of health not inconsistent with the Ordinances of the North-West Territories, as they shall deem expedient.

178. The Council shall be a Board of Health, and as such may provide hospitals and regulate the burial of the dead ; may remove or cause to be removed any unwholesome or nauseous thing ; may regulate the location and management of slaughter-houses, subject to any Ordinance of the North-West Territories ; may require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome thing, and prevent the putting of anything into any stream or pond, or body of water within the Town, which may be deemed prejudicial to the health thereof.

179. The Council may, in addition to the other Municipal officers authorized by this Ordinance, appoint a Street Surveyor, whose duty it shall be, under authority of the Council, to oversee all work on streets alleys, lanes, by-ways, sidewalks, drains, water-courses and ditches, and generally any work to be done of a public nature.

180. The Council of every Town may by resolution and By-law assess against the property of owners to be benefited thereby : The whole or any part of any public improvement or work, such as the laying out or widening of any street, lane, alley or by-way, public square, building site, walks, grading and paving streets, building or enlarging drains, sewers, water-courses and ditches, and appropriate land therefor, the property of individuals, both within and without the Municipality ; but nothing in this Ordinance shall be taken to allow a Council to enter on or appropriate any land the property of another, without first paying the owner thereof the value thereof in full, the same to be determined by reference as in this Ordinance provided.

181. Every assessment made under authority of the preceding section for work or improvement or repairs to be done, shall be made by the Street Surveyor.

182. The assessment shall be made upon such property as he deems is directly benefited by such improvement, and no such work or improvement shall be undertaken unless by a petition to the Council of two-thirds of the number of those to be benefited thereby, and who would

be assessed therefor, except in case of repairs to work done previously and for which property owners have contributed, and then only in a sum not exceeding two hundred dollars, which shall be ratably assessed on the basis of the original assessment.

183. Assessments made under the three preceding clauses shall be signed by the Mayor and Clerk and published weekly for four consecutive weeks in some newspaper published in the Town, or if there be none, then in the newspaper published nearest the Town in which the assessment is made, and in all other respects as to notice, demand, appeal, provision and collection, shall be subject to the provisions of this Ordinance.

184. The Mayor and Council shall be the Court of Revision of the Town.

185. The rate in any year to be levied against property of every kind in Towns, including improvement tax, general fund, local fund and school rates, together with interest on the debt and sinking fund, shall not exceed two and a half cents on the dollar.

#### CITIES.

186. A Town may be erected into a City at any time as hereinbefore provided for the erection of Town Municipalities out of existing Municipalities, provided always that there be not less than two thousand of resident population.

187. A City erected under this Ordinance shall be governed by a Mayor elected by the City, and a board of Aldermen not exceeding seven in any case.

188. Elections in Cities shall be held as hereinbefore provided for Towns and other Municipalities.

189. Nothing in this Ordinance shall prevent the Council of the North-West Territories, or the Legislative Assembly, from erecting cities by Special Ordinance and passing a special Ordinance incorporating the same.

190. The sum of two hundred dollars must accompany every petition for the erection of a City, which sum shall belong to the general fund of the North-West Territories.

#### SEAL.

191. Every Municipal corporation erected under this Ordinance shall have a corporate seal, which shall be kept in the custody of the Clerk of the Municipality, and said seal shall be chosen by a resolution of the Council.

## ROAD OVERSEERS.

192. It shall be the duty of the Road Overseer, so soon thereafter as convenient after having received a list thereof from the Clerk, to notify parties liable for the performance of such statute labor of the same, and to call upon them to attend him at a certain time and place to perform the labor imposed upon them by the Council.

193. All statute labor imposed by this Ordinance shall be done under the direction of the Road Overseer, who shall be liable to the Council for the due performance of the same, and shall report to the Council any refusal or neglect of parties assessed to perform the labor imposed upon them.

194. Persons assessed as non-residents shall be deemed to have commuted the statute labor for which they are liable at the rate of two dollars per day, and the amount of the commutation shall be a charge, and shall be collectable against real property, goods and chattels of non-residents as other rates.

195. Every other person liable for the performance of statute labor under this Ordinance shall, within fourteen days after the final revision of the assessment roll, notify the Clerk in writing of his intention to commute the same by the payment as hereinbefore provided, or, failing to do so, he shall be deemed bound to perform the amount of statute labor imposed upon him when called upon by the Road Overseer, or at such other time as he may direct.

196. Any person liable for the performance of statute labor, except as hereinbefore provided, neglecting or refusing to perform the same when called upon so to do by the Road Overseer appointed by the Council, shall be liable to a penalty of four dollars per day, for every day of statute labor imposed upon him, which he shall so neglect or refuse to perform, which penalty may be recovered in a summary manner before a Justice of the Peace.

197. All statute labor to be done under this Ordinance shall be performed on the public roads of the Municipality, or on the bridges, drains, ditches or water-courses therein, to benefit and improve the same.

## POUNDKEEPERS.

198. The Council of every Municipality shall pass By-laws for regulating the remuneration, fees, charges and duties of Poundkeepers, and the security to be given by them for the performance of the same.

- (1) The providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the Pound-keeper to impound ;



- (2) For restraining and regulating the running at large or trespassing of any animals and providing for impounding them and for causing them to be sold in case they are not claimed within a reasonable time or in case the damages, fees and expenses are not paid ;
- (3) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to By-law ;
- (4) For determining the compensation to be allowed for services rendered in carrying out the provisions of any By-law with respect to animals impounded or distrained and detained in possession of the distrainer.

#### GENERAL PROVISIONS.

199. Every Municipality shall have jurisdiction over all Township lines and roads within the same, and the Lieutenant-Governor or the Lieutenant-Governor in Council may give a Municipality jurisdiction over any roads, or river or stream dividing Municipalities, or adjacent thereto when not dividing Municipalities, and may determine what portion of roads or rivers or streams dividing Municipalities erected under this Ordinance shall be within the jurisdiction of each.

200. Municipalities may control and license Ferries and Bridges erected or authorized by them within their jurisdiction and pass By-laws regulating the fees to be collected thereon, and in case of a stream dividing Municipalities, the Lieutenant-Governor in Council shall determine which Municipality shall have jurisdiction over the same.

201. Any portion of money remaining unexpended in the hands of the Lieutenant-Governor which has been presented with petitions, shall be returned to the petitioners.

202. A candidate for election as Councillor or Mayor or any five voters under this Ordinance may within fourteen days after the Declaration of Election by the Returning-Officer protest the right of a Councillor or Mayor declared elected to act as such, by serving a notice on the Clerk of the Municipality, and on the person whose seat is protested, in writing, on any ground hereinbefore set forth, but the party whose seat is protested shall continue to hold office if declared elected until the final determination of the matter by the Stipendiary Magistrate.

203. All proceedings under the above section shall be had by petition before a Stipendiary Magistrate, in which shall be set forth the facts and reasons alleged in support of the protestation, and the Stipendiary Magistrate shall hear such evidence as may be adduced and thereupon may amend the Declaration of the Returning Officer or confirm the same, or declare the election void, and order a new election with such costs against either party as he may determine.

204. No Municipal Council shall make any appointment to office or arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration.

205. All officers appointed by a Council shall hold office until removed by the Council, as expressed by By-law appointing the same, and shall, in addition to the duties assigned to them in this Ordinance, perform all other duties required of them by Ordinance of the North-West Territories.

206. The Municipal Council, in addition to defining the duties of its officers, shall exact security from the Treasurer and Collector and such other officers as they may determine for the faithful performance of their duties, and it shall be the duty of every Council at its first meeting, or within a reasonable time thereafter, to examine and renew the securities given by its officers.

207. Municipal officers shall be liable for their acts, and for damages arising from their refusal or neglect to discharge their duties to the Municipality, in addition to penalties imposed by violation of any of the provisions of this Ordinance.

208. If any officer of any Municipality refuses or neglects to perform any duty required of him by this Ordinance, he shall, on conviction thereof before any Justice of the Peace having jurisdiction in the Municipality of which he is an officer, be fined in a sum not exceeding one hundred dollars and costs, such penalty to be paid into the General Fund of the Municipality.

#### ARBITRATIONS.

209. The appointment of all Arbitrators shall be in writing under the hand of the appointers, or in the case of Municipalities, under the corporate seal, and authenticated in like manner as By-laws.

210. Where Arbitration is directed or authorized by this Ordinance, either party may appoint an Arbitrator and give notice thereof in writing to the other party, calling upon him to appoint an Arbitrator on his behalf; and, a notice to a Municipality shall be given to the head thereof.

211. The two Arbitrators appointed by or for the parties, shall, within seven days from the date of the appointment of the last named Arbitrator, appoint in writing a third, in case the two appointed are not able to come to a final determination.

212. Where more than two parties are interested, each of them shall appoint an Arbitrator, and if there should be an equal number of Arbitrators, the Arbitrators so appointed shall appoint another, or in default, at the expiration of twenty-one days after the last of such Arbitrators has been appointed, the Lieutenant-Governor in Council, or the Lieuten-

ant-Governor, may, on application of any one of the parties interested, appoint such Arbitrator.

213. In any case of neglect or refusal of any party to appoint an Arbitrator, when notified so to do, or in case of two parties appointed and being unable to agree upon a third, the Lieutenant-Governor shall, upon application of any one of the parties interested in such Arbitration, appoint a party or parties to act for and on behalf of the party so refusing, or a third Arbitrator, as the case may be.

214. Within ten days after the appointment of the third Arbitrator, the Arbitrators appointed shall meet to hear and determine the matter referred to them.

215. In any of the cases hereinbefore provided, the Arbitrators shall make their award within one month after the appointment of the third Arbitrator.

216. No member, officer or person in the employment of any Municipality interested in any arbitration shall be appointed to act as such Arbitrator.

217. Every Arbitrator, before proceeding to try the matter of the Arbitration, shall take and subscribe the following oath before any Justice of the Peace or Notary Public:

I, A. B., do swear that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence and my skill and knowledge. So help me God.

218. All evidence taken by any Court of Arbitration under this Ordinance, shall be taken on oath, and any Arbitrator is hereby empowered to administer the same.

219. A majority of the Arbitrators so appointed shall make the award, and a copy thereof shall be furnished to each of the parties interested in the matter referred to Arbitration.

220. The Arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may direct the payment of a fixed sum. See Schedule "A" to this Ordinance.

221. Full notes of the evidence taken by Arbitrators under this Ordinance shall be made, and, together with any documents submitted in proof of any allegations made on behalf of parties interested, shall be retained by the Chairman of the Court of Arbitration, or until an order is issued by a Stipendiary Magistrate or some court of competent jurisdiction, to produce the same in case of an appeal from the decision of the Arbitrators.



222. Every award under this Ordinance shall be in writing, and under the hands of all or of a majority of the Arbitrators, and shall be subject only to the jurisdiction of a Stipendiary Magistrate, or court of competent jurisdiction.

223. An award made by Arbitrators under this Ordinance may be referred back by the Stipendiary Magistrate or Court for amendment or for additional evidence, or may be set aside on questions of law, but not on questions of fact.

#### SALE OF LAND FOR TAXES.

224. The Clerk of every Municipality shall furnish to the Sheriff for the district in which the Municipality is situated a list of all the lands in his Municipality in respect of which any taxes shall have been in arrears for two years preceding the first day of January in that year, and the said list shall be so furnished on or before the first day of February in every year, and shall be headed in the words following: "List of Lands liable to be sold for Arrears of Taxes in the year one thousand eight hundred and \_\_\_\_\_," and for the purposes of this Ordinance, the taxes for the first year of the two which have expired under the provisions of this Ordinance on any land to be sold for taxes shall be deemed to be due for two years, although the same may not have been placed on the Collector's roll till some month in the year later than the first day of January, or notwithstanding the time for the payment of taxes may have been extended by the Council of the Municipality.

225. The list so furnished to the Sheriff shall contain all the charges for all rates levied by the Municipality, or so much thereof as remain unpaid, together with any additional percentage which may have been charged by the Council against taxes remaining unpaid after a given period, together with interest on the whole amount then due, to be computed at the rate of six per centum per annum.

226. The Clerk of the Municipality shall keep a duplicate of the list so furnished to the Sheriff in his office, which shall be subject to the inspection of any person requiring to see the same.

227. After the said list has been furnished to the Sheriff as aforesaid no more money on account of any arrears of taxes included in the said list shall be received by any officer of the Municipality to which the list belongs.

228. The collection of the arrears shall thenceforth belong to the Sheriff alone, and he shall receive payment of such arrears in whole, but in no case shall he receive a part unless the whole arrears be paid, or satisfactory proof be produced of previous payment or that an erroneous charge has been made in whole or in part, and the Sheriff shall give a receipt therefor specifying the amount paid, for what period, the description of lot or parcel of land, and the date of payment.

229. Any Municipality may by By-law remit the whole or any part of the taxes so in arrears within the Municipality, and upon the passing of such a By-law, the Clerk of the Municipality shall forthwith transmit a copy of such By-law to the Sheriff, and the Sheriff or such officer as acts for him, shall then collect only so much of said taxes in arrears as are not by the By-law remitted.

230. The Sheriff shall on demand give to the owner of any land charged with arrears of taxes a written statement of the arrears as appears in his office at that date, and he may charge a fee of twenty cents for each search on every parcel of land not exceeding four, and ten cents for every parcel exceeding four.

231. The Sheriff shall keep a separate book or books for each Municipality, in which he shall enter all the lands in the Municipality on which it appears from the list furnished to him by the Clerk, that there are any taxes remaining unpaid, and the amounts so due, and he shall, in every year before the first day of May, balance his book and shall show the total amounts then due against each parcel or piece of land, together with interest thereon, at the rate of ten per centum per annum from the time the list was made up by the Clerk.

232. The Sheriff shall annually on or before the fifteenth day of August prepare a list of all lands against which arrears of taxes remain unpaid in his office, and shall add thereto a commission of two and one-half per cent. for selling, and a proportionate cost of the publication of the list of any advertising required to be done by him to carry out the provisions of this Ordinance, the list to state under separate heads the Municipality, lot, or section, township, range, number of acres, or size of lot, amount in arrears, and costs, and total amount against the land.

233. The lists so prepared by the Sheriff shall be headed, "Lists of Lands to be sold for Taxes," and shall, in addition to the provisions hereinbefore contained, state when the lands are to be sold and where, and the said lists shall be published for eight weeks in the North-West Gazette, or in some weekly paper published in the Capital of the North-West Territories, or if there be no such weekly paper, then in some newspaper to be designated by the Lieutenant-Governor, and shall cause to be posted up a similar list in at least four conspicuous places in each Municipality, and in the office of the Clerk of the Municipality where the lands or any of them are situated that are advertised to be sold.

234. The Sheriff shall, within one month after the first publication of the sale as hereinbefore provided, proceed to sell the lands by public auction, and the lands shall be offered for sale in lots or parcels as the case may be against which the arrears of taxes, together with costs and charges, stand.

235. Where the title to any land sold for arrears of taxes is in the Crown, the deed therefor, in whatever form given, shall be held to con-

vey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person possesses under any color of right whatever; and the Municipality on whose behalf any land shall be sold for arrears of taxes as aforesaid shall, in case of any such sale being declared invalid, be liable only for the purchase money actually paid therefor to the Municipality and interest thereon as for damages or otherwise.

236. It shall not be the duty of the Sheriff to make enquiry before effecting the sale of land for taxes to ascertain whether or not there is any distress on the land, nor shall he be bound to inquire into nor form any opinion of the value of the land.

237. The Sheriff shall offer each lot or parcel of land separately, and shall state the whole amount due on said lot or parcel, and shall sell the whole or so much as is necessary to the party who pays the whole of the amount due on account of said arrears, costs and charges.

238. The land adjudged to be sold by the Sheriff under this Ordinance shall be, (when the land is not sub-divided into lots as defined in this Ordinance), commencing at the south-east corner, and shall conform as nearly as may be to the shape and number of acres in the lot or parcel of land offered for sale, and shall include the buildings or other improvements thereon, and when the land has been sub-divided into lots, if the whole lot is not sold, the amount adjudged to be sold shall be a strip off the whole southerly side of said lot, and shall include the buildings or other improvements thereon.

239. All sales of lands for taxes shall take place and be holden within the limits of the Municipality where the land to be sold is situated, unless otherwise directed by the Lieutenant-Governor in Council.

240. The owner or agent of any land may pay the arrears, with costs and charges against the same, at any time before the same are sold.

241. The Sheriff may adjourn the sale from time to time, but at the time of such adjournment shall publicly state at what time the sale shall be resumed.

242. If the purchaser of any land fails immediately to pay the arrears, costs and charges against any land, the Sheriff shall forthwith put up the property for sale.

243. The Sheriff, after selling any lands for taxes, shall give a certificate under his hand to the purchaser, stating what part of the land has been sold, describing the same as in the notice of sale, the quantity sold, the sum for which it has been sold, and further stating that the land so sold will be conveyed by the Sheriff to the purchaser or his assigns, on his or their demand, at any time after two years, if the same be not previously redeemed.



244. The purchaser shall, on receipt of the Sheriff's certificate, become the owner of the land, so far as to have all the necessary rights of action and powers from protecting the same from spoliation or waste until the expiration of the term during which the land may be redeemed; but he shall not knowingly permit any person to cut timber upon the land or otherwise injure the land, nor shall he do so himself, but he may use the land himself without deteriorating its value, provided that the purchaser shall not be liable for damage done to the property without his knowledge.

245. The owner, or his agent appointed by him in writing, may redeem any land sold by the Sheriff for arrears of taxes at any time after the sale thereof and before the expiration of two years, by paying to him the full amount for which the land was sold and interest thereon at the rate of twenty per centum per annum, to be computed from the date of sale, and an additional commission to the Sheriff of two and one-half per cent.

246. From and after the payment to the Sheriff of the amount of redemption money as aforesaid, the purchaser shall cease to have any further rights in or to the lands in question.

247. The purchaser shall be entitled to receive the full amount of purchase money from the Sheriff for the land so redeemed, together with interest to be computed at the rate of twenty per centum per annum from the date of the certificate given to him by the Sheriff to the date of the redemption.

248. If the land be not redeemed within the period allowed for its redemption, being two years from the date of sale, exclusive of that day, then on demand of the purchaser or his assigns or other legal representatives at any time afterwards and on payment of two dollars, the Sheriff shall prepare and execute and deliver to him or them a deed in duplicate of the land sold.

249. Such deed shall be in the form, or to the same effect, as in Schedule "B" to this Ordinance, and shall state the date and cause of sale and the price, and shall describe the land according to the description in the certificate, and such deed shall have the effect of vesting the land in the purchaser or his heirs and assigns or other legal representatives in fee simple, and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon in arrears or any error in describing the land.

250. "Sheriff" in this Ordinance shall mean the Sheriff for the North-West Territories, or for the district in which the Municipality is situated, or the Sheriff's officer duly appointed and authorized by law to act for him.

251. The Sheriff shall, within one month after the receipt of any

money on account of arrears of taxes, pay the same to the Treasurer of the Municipality on whose account the money was received.

252. The Sheriff, in addition to the fees, commissions and charges for selling, shall be entitled to receive a commission from the Municipality of two and one-half per cent. on all monies collected on account of arrears of taxes, and may deduct the same from any money remaining in his hands to the credit of the Municipality.

#### MUNICIPAL BOUNDARIES.

253. The Municipality of "Moosomin" shall be composed of the following described area:

Range thirty, west of the first Principal Meridian,

Townships 14, 15, 16, 17, 18 ;

Range 31, west of the first Principal Meridian,

Townships 14, 15, 16, 17, 18 ;

Range 32, west of the first Principal Meridian,

Townships 14, 15, 16, 17, 18 ;

Range 33, west of the first Principal Meridian,

Townships 14, 15, 16, 17, 18 ;

Range 34, west of the first Principal Meridian,

Fractional Township 14 ;

Range 1, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18 ;

Range 2, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18.

254. The Municipality of "Broadview" shall be composed of the following described area ;

Range 3, west of the second Principal Meridian,

Townships 14, 15, 16 ;

Range 4, west of the second Principal Meridian,

Townships 14, 15, 16 ;

Range 5, west of the second Principal Meridian,

Townships 14, 15, 16 ;

Range 6, west of the second Principal Meridian,

Townships 14, 15, 16, and that part of 17 not included in the Indian Reserve ;

Range 7, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18, 19A.

255. The Municipality of "Wolseley" shall be composed of the following described area :

Range 8, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18, 19A, 19 ;

Range 9, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18, 19A, 19 ;

Range 10, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18, 19A, 19.

256. The Municipality of "Indian Head" shall be composed of the following described area :

Range 11, west of the second Principal Meridian,

Townships 14, 17, 18, 19A, 19 ;

Range 12, west of the second Principal Meridian,

Townships 14, 17, 18, 19A, 19 ;

Range 13, west of the second Principal Meridian,

Townships 14, 17, 18, 19.

257. The Municipality of "South Qu'Appelle" shall be composed of the following described area :

Range 14, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18, 19 ;

Range 15, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18, 19, and all that part of 20 not included in the Indian Reserve ;

Range 16, west of the second Principal Meridian,

Townships 14, 15, 16, 17, 18, 19, and all that part of 20 not included in the Indian Reserve.

258. The Municipality of "Wascana" shall be composed of the following described area :

Range 17, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19 ;

Range 18, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19 ;

Range 19, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19, excepting that area erected into the Municipality of the Town of Regina ;

Range 20, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19, excepting that area erected into the Municipality of the Town of Regina ;

Range 21, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19 ;

Range 22, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19.

259. The Municipality of "Moose Jaw" shall be composed of the following described area :

Range 23, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19 ;

Range 24, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19 ;

Range 25, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19 ;

Range 26, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19, excepting that area erected into the Municipality of the Town of Moose Jaw ;

Range 27, west of the second Principal Meridian,

Townships 15, 16, 17, 18, 19 ;



Range 28, west of the second Principal Meridian,  
Townships 15, 16, 17, 18, 19;  
Range 29, west of the second Principal Meridian,  
Townships 15, 16, 17, 18, 19.

260. The Municipality of "Qu'Appelle" shall be composed of the following described area:

Range 13, west of the second Principal Meridian,  
Townships 20, 21, 22, 23;  
Range 14, west of the second Principal Meridian,  
Townships 20, 21, 22, 23;  
Range 15, west of the second Principal Meridian,  
Townships—that part of 21 North Qu'Appelle River, 22, 23;  
Range 16, west of the second Principal Meridian,  
Townships—that part of 21 North Qu'Appelle River, 22, 23.

261. The Municipality of the "Town of Regina" shall be composed of the following area:

Section (19) Nineteen and the South half ( $S\frac{1}{2}$ ) of Section Thirty (Sec. 30), in Township Seventeen (17), in Range (19) Nineteen, West of the Second initial Meridian, and Section Twenty-four (24) and the South half ( $S\frac{1}{2}$ ) of Section Twenty-five (25) in said Township Seventeen (17), in Range 20, West of said Second Meridian.

262. The Municipality of "The Town of Moose Jaw" shall be composed of the following area:

Sections numbered Thirty-two (32) and Thirty-three (33), in Township Sixteen (16), in Range Twenty-six (26), West of the Second Principal Meridian, in the said North-West Territories.

263. The Municipality of "Belle Plain" shall be composed of the following described area:

Range 10, west of the second Principal Meridian,  
Townships 20 and all that part of 21 not included in the Indian Reserve;  
Range 11, west of the second Principal Meridian,  
Townships 20 and those parts of 21, 22 and 23 not included in the Indian Reserve;  
Range 12, west of the second Principal Meridian,  
Townships 20, 21, 22, 23.

264. The Municipality of "Pheasant Plains" shall be composed of the following described area:

Range 6, west of the second Principal Meridian,  
Townships 19, north of the Qu'Appelle River, and 20 and 21;  
Range 7, west of the second Principal Meridian,  
Townships 19, 20, 21, 22;  
Range 8, west of the second Principal Meridian,  
Townships 20, 21, 22;

Range 9, west of the second Principal Meridian,  
Townships 20, 21, 22.

OATHS AND DECLARATIONS TO BE TAKEN UNDER THIS ORDINANCE.

265. Form of affidavit to be appended to Petitions for erection of Municipalities :

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_  
in the North-West Territories \_\_\_\_\_  
number of residents in the area described in the annexed petition is \_\_\_\_\_ ;  
That of the total number \_\_\_\_\_ have signed the annexed petition ;  
That I was personally present and did see the parties sign the same.

266. Every person elected or appointed under this Ordinance to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office or enters on his duties, make and subscribe a solemn declaration to the following effect :

I, A. B., do solemnly swear that I am a British Subject, and have to my own use and benefit, in my own right (or in the right of my wife) as proprietor or tenant at the time of my election or appointment, as the case may be, to the office of \_\_\_\_\_ hereinafter referred to, such an estate as does qualify me to act in the office of \_\_\_\_\_ and that such estate is (naming the nature of it) and is of the value of \_\_\_\_\_ dollars over and above all charges, liens and incumbrances affecting the same.

(Signed)

A. B.

267. Every member of the Municipal Council, Mayor, Chairman, Clerk, Assessor, Collector, Constable and other officer appointed by the Council shall, before entering on the duties of his office, make and subscribe a solemn declaration to the following effect :

I, \_\_\_\_\_, do solemnly declare and promise that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of \_\_\_\_\_ to which I have been elected or appointed, (as the case may be) in this Municipality, and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the said office, and that I have not by myself or on behalf of any other person, either directly or indirectly, any interest in any contract with or on behalf of the said corporation.

268. The solemn Declaration to be made by every auditor shall be as follows :

I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of \_\_\_\_\_ do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability. and I do solemnly declare that I had not, either directly or indirectly, any share or interest whatever in any contract with, by or on behalf of such Municipal Corporation during the year preceding my appointment, (except as Auditor, if such be the case), and that I have not any contract with the said Corporation except that of Auditor for the present year.

269. The head and every member of the Council and the subordinate officers of the Municipality shall make the Declaration of Office and Qualification before some Justice of the Peace or Notary Public, not being a member of the Council, and the Justice of the Peace or Notary Public shall give the necessary certificate of the same having been duly made and subscribed.

270. Ordinance No. 2 of 1883, intituled "The North-West Municipal Ordinance of 1883," is hereby repealed; but the repeal of the aforesaid Ordinance shall in no way affect any Municipality created thereunder, which shall be continued under and subject to the provisions of this Ordinance.

271. This Ordinance shall be known and may be cited as "The North-West Municipal Ordinance of 1884."

#### SCHEDULE "A."

(See Section 220.)

Every Arbitrator appointed under this Ordinance shall be entitled to receive a sum for his services of not less than.....	\$10.00 per day of six hours.
Nor more than.....	\$20.00 per day of six hours.
For every meeting where the cause is not proceeded with, but a postponement is made at the request of either party.....	\$4.00
For each hour occupied in such proceedings less or more than six hours.....	At the rate per hour of \$2.00
For drawing the award.....	Arbitrators may charge \$10.00
For every mile necessarily travelled attending to and going from the meetings of Arbitrators.....	Per mile, 10 cents.

#### SCHEDULE "B."

(See Section 249.)

To all whom these presents shall come.

I, \_\_\_\_\_, of \_\_\_\_\_, in the North-West Territories,  
Sheriff, send greeting.

Whereas, by virtue of authority vested in me by the North-West Municipal Ordinance of 1884, I did on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and \_\_\_\_\_, sell by public auction the land hereinafter mentioned for arrears of taxes and costs and charges thereon to \_\_\_\_\_, of \_\_\_\_\_, in the \_\_\_\_\_ at \_\_\_\_\_ and for the price and sum of \_\_\_\_\_ of lawful money of Canada, on account of the arrears of taxes alleged to be due thereon, up to the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord one thousand eight hundred and \_\_\_\_\_, together with costs.

Now know ye that I, \_\_\_\_\_, the said Sheriff, in pursuance of such sale and of the North-West Municipal Ordinance of 1884 and for the consideration aforesaid, do hereby grant, bargain and sell unto the said \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ his heirs and assigns all that certain parcel and tract of land and premises, containing \_\_\_\_\_, being composed (describe the land so that the same can be readily identified.)

In witness whereof I, the said Sheriff, have hereunto set my hand and affixed my seal this the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, one thousand eight hundred and \_\_\_\_\_  
(Signed)

Sheriff.

(Corporate Seal.)



**No. 5 OF 1884.**

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*An Ordinance providing for the organization of Schools  
in the North-West Territories.*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

**BOARD OF EDUCATION.**

1. The Lieutenant-Governor-in-Council, sitting as an Executive Council, may appoint, to form and constitute the Board of Education for the North-West Territories, a certain number of persons, not exceeding twelve, six of whom shall be Protestants and six Roman Catholics.

2. Three of the Protestant members and three of the Roman Catholic members recorded at the foot of the list of the members of the Board, as entered in the minute book of the Council of the North-West Territories, shall retire and cease to hold office at the end of each year, which, for the purposes of this Ordinance shall be held and taken to be the thirtieth day of June annually; and the names of the members appointed in their stead shall be placed at the head of the list; and the six members so retiring in rotation and annually may be eligible for re-appointment, and such retiring members shall hold office until their successors are appointed.

3. It shall be the duty of the Board :—

- (1.) To make from time to time such regulations as they may think fit for the general organization of the schools;
- (2.) To make regulations for the registering and reporting of daily attendance at all the schools in the North-West Territories, subject to the approval of the Lieutenant-Governor-in-Council.

- (3.) To make regulations for the calling of meetings from time to time and prescribe the notices thereof to be given to members.
4. The Board of Education shall meet once a year at the time and place where the Board may think fit.
5. The Board shall resolve itself into two sections, the one consisting of the Protestant and the other of the Roman Catholic members thereof; and it shall be the duty of each section :
- (1.) To have under its control and management the schools of the section and to make from time to time, such regulations as may be deemed fit for their general government and discipline and the carrying out of the provisions of this Ordinance.
  - (2.) To arrange for the proper examination, grading and licensing of its teachers, the recognition of certificates obtained elsewhere, and for the withdrawing of the license upon sufficient cause.
  - (3.) To select all the books, maps and globes to be used in the schools under its control and to approve of the plans for the construction of school houses ; Provided, however, that in the case of books having reference to religion and morals, such selection by the Catholic section of the Board shall be subject to the approval of the competent religious authority ; and
  - (4.) To appoint inspectors, who shall hold office during the pleasure of the section appointing them.
6. The Board of Education, or any section thereof, may, whenever they shall see fit, appoint and hold a meeting of such Board or section in any part of the North-West Territories and such meeting shall be as valid as if held in Regina, which shall be the usual place of meeting of such Board or section.
7. The quorum of the Board of Education shall consist of a majority of the members and each of the sections of the same shall decide its own quorum.
8. Any member of the Board of Education absenting himself from the meeting of his section or of the Board for six months, unless from sickness or absence from the North-West Territories, shall be considered to have *ipso facto* resigned his position, and the president of the section to which he belongs shall notify the Lieutenant-Governor of the vacancy so caused and the member appointed to replace him shall hold office only for the unexpired term of the member whom he replaces.

## SCHOOL DISTRICTS.

9. The words "School District" shall mean any tract of land declared by the Lieutenant-Governor, as hereinafter provided, to be such school district, and the inhabitants thereof shall be a body corporate and politic for the purposes and with the powers and liabilities hereinafter specified.

10. Every school district shall be known under the corporate name of the "School District of \_\_\_\_\_" (here insert the name chosen by people of district) "Protestant" (or "Catholic") "public" (or "separate") "school district No. \_\_\_\_\_" (given by Lieutenant-Governor or Lieutenant-Governor-in-Council) "of the North-West Territories."

11. A Protestant or Catholic public or separate school district shall at its erection comprise an area of not more than thirty six square miles, its extreme limits being not more than nine miles apart and shall contain not less than four resident heads of families with a population of children of school age, that is to say between the ages of five and sixteen, of not less than ten.

12. Any person, whether male or female, of the full age of twenty one years, not an alien or an unenfranchised Indian, who has within the limits of any proposed or existing school district possession in his or her own right of any land of the value of one hundred dollars or who is an occupant and cultivator of unpatented Dominion lands whether as a homesteader or otherwise, and any person who has, as a joint tenant or tenant in common, an unexpired lease for the term of one year of any certain parcel of land of which the yearly rental is at least twenty dollars, shall, unless disqualified as hereinafter provided, have the right to vote in all matters connected with such school district and shall be described in this Ordinance by the word elector.

## FORMATION OF SCHOOL DISTRICTS.

13. Any three resident electors of any locality fulfilling the requirements of section eleven of this Ordinance may be formed or may form themselves into a committee to procure its erection into a school district and may petition the Lieutenant-Governor for such erection.

14. The petition shall set forth:—

- (1.) The proposed name in full, limits, definite location and approximate area of the proposed district;
- (2.) The approximate value of the taxable property within the proposed limits;



- (3.) Approximately the total population, the adult population and the population of children of school age, as defined in section eleven of this Ordinance resident within the proposed district ;
- (4.) By an accompanying sketch, plan or map of the proposed district, its boundaries, principal legal sub-divisions, principal physical features and general location ;
- (5.) The date upon and place at which a vote of the school electors of the proposed district will be taken to decide whether the majority is in favor of the locality being erected into a school district or not ;
- (6.) The petition must be accompanied by an affidavit of the several members of the committee, made before a justice of the peace, or notary public, resident within the limits of the proposed district, or as near thereto as may be, that the members of the committee are *bona fide* resident electors of the proposed school district and that the statements made in the petition are correct.

15. At least twenty-one days before the day mentioned in the petition to the Lieutenant-Governor as the one upon which the before-mentioned vote is to be taken, the committee shall cause to be posted up in at least ten conspicuous and widely separated places within the district and also to appear in each issue of the newspaper published nearest the proposed school district for the same period, copies of the following notice :—

“All parties are hereby notified that the undersigned committee have petitioned the Lieutenant-Governor for the erection of (*give name in full*) school district within the following limits, that is to say (*define limits*) and hereby call for a vote of the school electors within these limits to decide whether such petition shall be granted or not, to be given on the ..... day of ..... (*the same being the day mentioned in the petition to the Lieutenant-Governor and not less than twenty-one days from the posting of the last of the ten notices and the same time from the first appearance of the notice in the newspaper as hereinbefore provided*). Votes will be received from nine o'clock a.m. until four o'clock p.m. The qualification of voters is expressed in the following oath which persons desiring to vote must take if required : “You do solemnly swear that your name is (*mention name given by the proposed voter*) ; that you are the owner (tenant or occupant) of (*describe the land voted upon*) ; that it is of the value of one hundred dollars (or, if a tenant, of the yearly value of twenty dollars) ; that it is situated within the limits of the proposed school district, that you are of the full age of twenty-one years ; that you are not an alien or unenfranchised Indian ; that you have not received any corrupt reward and have no hope or expectation of receiving any such reward for voting at this time and place.”

(Signed)

(Name of member of committee who is to act as returning officer)

Returning Officer.

(Name of second member of committee)

(Name of third member of committee)

School Committee.

- (1.) Such notices may be either printed or written and must be in both the French and English languages.

## VOTING ON ERECTION OF DISTRICT.

16. The committee shall appoint one of their number returning officer to act at the voting to take place as announced in the before-mentioned notices and such returning officer shall have power to administer all oaths required by this Ordinance and take all other action so required and he shall be liable to the same penalties and disabilities as if he had been appointed by the Lieutenant-Governor as in other manner provided in this Ordinance.

- (1.) In no case shall a returning officer vote at any election or voting under this Ordinance except in case of a tie, when he shall give a casting vote.

17. The returning officer shall :

- (1.) Provide himself with a blank book, suitably ruled and headed, for the purpose of recording the vote cast, in which shall appear, in separate columns, but in one line, the name and sex of each voter, the description of the property voted upon, remarks, whether voter sworn or refused to be sworn, and the vote cast, whether "yea" or "nay" to the petition specified in the notice of voting being granted;
- (2.) Keep posted in a conspicuous place at the place of polling a copy of the notice of voting in both languages as provided in section fifteen ;
- (3.) Appear at the place on the day and at the hour mentioned in the notice of voting, and continue there during the hours mentioned in such notice of voting ;
- (4.) Question, either personally or by an interpreter in the voter's own language, if necessary, every person presenting him or herself to vote, as to name, sex and location or description of property and record the answers given in the poll book;
- (5.) If required by any person present or of his own accord, if deemed advisable, administer the oath prescribed in section 15 of this Ordinance to the person desiring to vote ;
- (6.) If the voter is not required to be sworn or if he takes the oath when required, ask him in an audible tone in the language spoken by him (either personally or through an interpreter) whether he votes for or against the granting of the petition expressed in the notices of voting, and record his answer in the columns headed "yea" or "nay" according to the expressed wish of such voter ;

- (7.) Admit any two persons who have respectively voted for and against the petition, into the polling place, to act as scrutineers and on demand allow either or both of them to see any vote being recorded in the book ;
- (8.) At the hour appointed in the notice of voting, sum up the votes cast and declare the result and also the time, being within the three days immediately following, the place, being within the district, when and where he will appear before two justices of the peace (at the same time giving the name or names) when, where and before whom he will appear for the final recount of votes, and when all complaints against the conduct or result of the election will be heard.

#### DECIDING RESULTS OF VOTING.

18. On appearing before the justices of the peace so named at the time and place appointed, the returning officer shall place in the hands of such justices the poll book used by him at the poll and shall make an affidavit before such justices, which shall be inscribed upon such book, that the election has been conducted throughout in the manner provided by the Ordinance (or with such exceptions as he shall mention) and that the returns contained therein are correct.

- (1.) The justices of the peace shall then receive and record in writing any complaint that may be made under oath by any parties relative to the conduct of the election and shall examine into and decide upon such complaints by taking evidence under oath.

19. Before proceeding to the hearing of any complaint, the justices of the peace shall require the complainant to deposit with the clerk of the court such sum, not being less than twenty-five nor more than one hundred dollars as may seem necessary to them to cover the costs of the hearing of the complaint, which costs shall be paid according to the decision of such justices of the peace.

20. The decisions of the justices of the peace shall be as follows :—

- (1.) If it be found that the proceedings in taking the vote have been irregular in essential particulars and that injustice has thereby been done, it shall be declared of no effect, and the justices of the peace shall forthwith forward to the Lieutenant-Governor a full report to that effect ;
- (2.) If it be found that any vote has been cast by a person not duly qualified to vote, or on account of bribery or intimidation, it shall be struck off the poll book.



21. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book, the justices of the peace shall finally sum up the votes cast and shall forward to the Lieutenant-Governor a return showing the total number of votes taken on each side and the number remaining on each side after the recount.

- (1.) In case of a tie after the final recount, the returning officer shall give a casting vote.

22. On receiving the returns of the voting on the petition for erection of a school district, as hereinbefore provided, the Lieutenant-Governor shall :

- (1.) If the vote has been declared of none effect, or if the majority of votes has been against the petition being granted, notify the petitioners to that effect and return their petition ;
- (2.) If the majority of votes have been in favor of the petition being granted, forthwith proclaim the district a school district in accordance with the terms of the petition addressed to him in that behalf, with such number as he may see fit, and in manner as hereinafter provided.

23. If it is desired in the case of any contested election or voting under this Ordinance, to appeal from the decision of the justices of the peace, such appeal must be made under oath within twenty days from the rendering of the decision of the justices of the peace as hereinbefore provided, before the stipendiary magistrate of the judicial district within which the school district affected is situated, and the stipendiary magistrate shall thereupon investigate such appeal and shall confirm the election or vote, or set it aside and appoint the time and place of holding a new election, with costs, as to him may seem meet.

24. If two or more petitions for the erection of adjacent school districts of which the proposed boundaries or any portion of them overlap are received before either of them have been erected by proclamation as hereinbefore provided, the Lieutenant-Governor shall on receiving the returns of the voting in favor of both, before issuing the proclamation finally defining the boundaries and appointing the day for electing the trustees, alter the proposed boundary lines in such manner as shall appear to be an equal division of the territory in dispute between the said two districts and shall so declare and fix the boundaries in his final proclamation ; provided always that, in case by such alteration of boundaries, either district should be reduced below the standard provided in section eleven of this ordinance, then such district shall not be so erected into a school district on the petition sent in.

## SEPARATE SCHOOLS.

25. In accordance with the provisions of section ten of "The North-West Territories Act, 1880," providing for the establishment of separate schools, it shall be lawful for any number of property holders resident within the limits of any public school district or within two or more adjoining public school districts or some of whom are within the limits of an organized school district and others on adjacent land not included within such limits, to be erected into a Separate School District by proclamation of the Lieutenant-Governor with the same rights, powers, privileges, liabilities and method of government throughout as hereinbefore provided in the case of public school districts.

26. Such separate school district shall be erected on petition of all those desiring to have their land set aside as a separate school district.

27. The petition for the erection of a separate school district shall state in addition to the particulars mentioned in section fourteen of this Ordinance :—

(1.) The description of the land held by each petitioner, its area, assessed value or probable assessable value, if outside the limits of a municipality, its situation in regard to present organized school districts as well as Dominion lands surveys and natural boundaries ;

(2.) The number of children of school age resident within and adjacent to the proposed district, of the religious faith of the petitioners, who would probably attend such school.

28. Each such petition shall be accompanied by an affidavit of some person competent to verify the signatures and facts therein set forth.

29. Upon the receipt of such petition, the Lieutenant-Governor shall, if there be no impediment requiring the consideration of the Lieutenant-Governor-in-Council, issue a proclamation erecting such separate school district and order the first election of Trustees in the same manner as provided in the case of public school districts.

30. The Lieutenant-Governor shall at the same time notify, in writing, the board of trustees of any public school district that may include the whole or any part of such separate school district within its limits, of the fact of the erection of such separate school district and of the lands of such separate school district having been withdrawn from such public school district

31. Any land and personal property thereon set apart as a separate school district, shall be assessable by the public school district, within whose organized limits it is situated for the purpose of paying off any

debenture indebtedness that may have been incurred, during the time that such land was included as a part of such public school district, in the same manner and time and at the same rates as the remaining portion of such public school district may be assessed to pay off such indebtedness, but for no other purpose whatever.

32. Upon the election of the first board of school trustees of any separate school district they shall make a demand upon the trustees of the public school district or districts within whose limits such separate school district or any portion thereof was originally situated, for a sum of money equal to the equitable share of the ratepayers of such separate school district in any land, building or other property, whether real or personal, held by such school district, such share to be computed in proportion to the amounts from time to time paid into the funds of such public school district on account of the real and personal property included within the limits of such separate school district.

33. If such claim be not settled to the satisfaction of the board of trustees of such separate school district, they may enter an action to recover the amount claimed in any court of competent jurisdiction within the limits of the judicial district in which such separate school district or any part thereof may be situated.

#### DIVISIONS OF AND ADDITIONS TO SCHOOL DISTRICTS.

34. Any public school district may be divided into two or more parts by proclamation of the Lieutenant-Governor, on recommendation of the board of trustees of the district, after he shall have been satisfied that a vote has been taken on the question in the manner provided in the case of a school district, authorizing the issuing of debentures, and that the majority of duly qualified votes cast have been in favor of such division being made.

35. The method of the erection of the parts of such public school district into public school districts shall be the same as provided in the case of separate schools and the provisions of this Ordinance contained in sections 25 to 30, both inclusive, relating thereto, shall apply as in the case of separate schools.

36. Any two or more public or separate school districts may be united in one public or separate school district by proclamation of the Lieutenant-Governor in the same manner as that provided for the division of public school districts, and all the real and personal property held by all the districts shall thereby become the property of the united district.

37. The owner of any land situated outside the limits of any school district, or included in any school district, may have it included in an adjoining or adjacent school district, whether public or separate (but of the faith, either Protestant or Roman Catholic, to which the petitioner



belongs) on petitioning the trustees of such district to that effect; and such petition shall be accompanied by the affidavit of the petitioner that he is the owner of such land.

38. The trustees, on receiving a petition to the effect and in the form and substance mentioned in the next preceding section of this Ordinance, may annex the land of the petitioner to the district of which they are trustees, and shall notify the Lieutenant-Governor that such land has been annexed to their school district, and shall announce the additions or changes that have been made, stating in particular the ownership and assessed value of the property affected, by notice in the newspaper published nearest the school district or districts affected; and they shall also notify in writing the petitioner and the board or boards of trustees of the district or districts that have been affected by the changes that have been made.

39. Parties petitioning for the organization of separate school districts or for any addition or change in the area or limits of any school district or districts, as hereinbefore provided, shall accompany such petition with such sum of money as may be deemed sufficient by the Lieutenant-Governor to pay the necessary expenses connected with the changes petitioned for before they can require their petition to be considered.

#### PROCLAMATION.

40. The proclamation of the Lieutenant-Governor erecting any district into a school district shall be set forth:

- (1.) The name in full, number, situation and limits thereof;
- (2.) The date and place at which the first nomination and election of trustees shall be held, which may be filled in by the returning officer according to instructions of the Lieutenant-Governor;
- (3.) The hour, from nine o'clock, a. m., to ten o'clock, a. m., during which the nominations shall be received, and the hour (ten o'clock a. m.) at which the voting, if any be necessary, shall begin, with the hour (four o'clock, p. m.) at which the poll shall be closed on the day of election;
- (4.) The qualifications of persons who shall be entitled to vote at the election, which shall be the same as provided in section of this Ordinance;
- (5.) The qualification of persons who may be elected as trustees, which shall be the same as required in the case of voters, with the addition that the candidate must be possessed of real or personal property to the amount of five hundred dollars, is not undergoing

punishment for any felony and, in case of other than the first election, has no contract, either direct or indirect, with the school district ;

(6.) The name of the returning officer, to whom shall be sent the writ of election.

41. This proclamation shall be printed and posted up in at least ten public and conspicuous places throughout the district, at least fourteen days before the day appointed therein for the nomination and election of trustees, and shall be in both the French and English languages.

42. At the hour of nine o'clock in the forenoon of polling day, at the place appointed for the polling, the returning officer shall, in accordance with the proclamation, announce that he will receive nominations for the office of trustee or trustees of the school district for the space of one hour.

43. Nominations may be made verbally, by any two electors present, at any time during the hour mentioned.

44. The returning officer shall record the names of the persons nominated with the names of their nominators, and at the hour of ten o'clock shall declare the nominations closed and announce the names of the candidates nominated in the order in which they were nominated.

45. Should there be only as many candidates nominated as there are trustees required, the returning officer shall then and there declare such candidates duly elected.

46. Should a less number of candidates be nominated than there are trustees required, (provided that at the first election there is at least one nominated), those nominated shall be declared elected by the returning officer and he shall, from the duly qualified persons resident within the district, appoint, with their consent, as many persons as there are trustees required.

47. Should there be more nominations than there are trustees required, the returning-officer shall call for a show of hands of those present in favor of the different candidates and shall record the number of votes cast for each candidate.

48. Should a demand be made by any elector of the district present that any person voting by show of hands be sworn, the returning officer, before recording his vote, shall administer to him the oath provided in section 15 of this Ordinance and, if he take the oath, then his vote shall be counted.

49. In case of a school district having a resident population of school electors of less than twenty-five, no further vote shall be taken and the returning officer shall take proceedings as though a vote had been taken in accordance with the provisions of sections 50, 51, 52 and 53 of this Ordinance.

50. But if the population of resident school electors of any district be greater than twenty-five and if a poll be demanded by any elector present, the returning officer shall, at the hour and in the place appointed in the notice of election, open the poll and proceed to take and record the votes cast.

51. Every elector shall be entitled to cast as many votes as there are trustees to be elected.

52. The candidates, or an agent for each candidate, to act as scrutineers (but no others) shall be allowed inside the polling booth with the returning officer.

53. The provisions of sections 16, 17, 18, 19, 20, 21 and 23 shall, with such alterations as may reasonably and equitably be necessary, apply to all elections of trustees under this Ordinance;

- (1.) Provided that in addition to the provisions expressed in the sub-sections of section twenty, if any candidate be shown to be not properly qualified or to have used bribery or intimidation to secure his election, his election shall be declared void.

54. After all the complaints, if any, have been heard and decided upon and the corresponding alterations duly attested and entered in the poll book by the justices of the peace, the votes (if any vote has been taken) for the different candidates shall be summed up, and the candidates declared elected as follows:—

- (1.) The candidate receiving the highest number of votes, either by polling or show of hands, as the case may be, or the one first nominated, if no vote has been taken, shall be elected to serve until the third Wednesday of the third January following the election;
- (2.) The one receiving the second highest number of votes or second in the order of nomination, shall be elected to serve until the third Wednesday in the second January following the election;
- (3.) The one receiving the third highest number of votes or third in the order of nomination, shall be elected to serve until the third Wednesday in the first January following the election;



(4.) If through disqualification or resignation, it shall be found that a less number of candidates remain than there are trustees required, the returning officer shall appoint persons to fill such offices, as provided in section 46.

55. In case any two candidates are found to have received an equal number of votes, the returning officer shall give a casting vote.

56. Each candidate elect shall take the following oath of office before one of the justices of the peace before mentioned :

I, A. B., do solemnly swear that I will to the best of my ability honestly and faithfully discharge the duties devolving upon me as Trustee of (*name of school district in full*) School District No.                      during the term for which I have been elected in accordance with the Ordinances of the North-West Territories. So help me God.

57. The justices of the peace shall grant to each trustee, after he has taken the foregoing oath, a certificate of election in the following form :—

We, A. B. and C. D., two of Her Majesty's Justices of the Peace in and for the North-West Territories, having examined the poll books submitted to us by E. F., returning officer in the election of school trustee or trustees for (*give name in full*) School District Number                      day of                      , in the year of our Lord 18                      , having heard all the complaints made in regard to such election, hereby declare (*give name, residence and occupation of person mentioned*) elected as school trustee for the within mentioned school district, to hold office until Wednesday the                      day of January, 18                      , and hereby certify that he has this day taken before one of us, to wit (*naming which justice*) the oath of office prescribed in section 56 of the Ordinance respecting schools of the North-West Territories.

Dated

(Signed),

A. B. and C. D.,

Justices of the Peace.

58. A copy of each certificate so granted shall be forwarded by the returning officer to the Lieutenant-Governor.

59. If the election has been declared void, the justices of the peace shall take charge of and forward to the Lieutenant-Governor all the papers relating to the case, certified to by them. The Lieutenant-Governor shall thereupon order a new election and appoint another returning officer.

60. The expense of all elections ordered by the Lieutenant-Governor shall be defrayed out of the general revenue fund of the North-West Territories and shall be made a charge against the school district in whose behalf they were incurred, to be repaid within one year from the date of the election or voting on account of which they were incurred.

61. The regular annual election of a school trustee to fill the vacancy which occurs yearly under section 54 of this Ordinance, shall be held on

the third Tuesday in January in each year, if that day be not a statutory holiday, and, in case of it being a statutory holiday, then on the following day; other elections shall be held to fill vacancies that may occur in the board of trustees from time to time, from death, resignation or disqualification, and such elections shall take place within one month from the time of the occurrence of such vacancy.

62. At all such elections the chairman of the board of trustees, or such person as he may appoint, shall act as returning officer.

63. The qualification of voters at such subsequent elections is expressed in the following oath, which shall be used in lieu of the one prescribed in section 15 of this Ordinance :

I . . . . . do solemnly swear that I am a *bona fide* ratepayer of (*give name of district in full*) school district No. . . . ; that I have paid the taxes assessed against me on the last revised assessment roll of the district (or of the municipality for the district) : that I am of the full age of twenty-one years ; that I am not an alien or unenfranchised Indian ; that I have not voted before at this election, and that I have not received any reward, either directly or indirectly, nor have I any hope of receiving any reward for voting at this time and place. So help me God.

64. The provisions of sections 40 to 60, both inclusive, shall, with such changes as may be reasonably and equitably necessary, apply to all elections of trustees and other votes taken under this Ordinance.

#### BOARD OF SCHOOL TRUSTEES.

65. The ratepayers of every school district that may be established under this Ordinance, and their successors, shall be a body corporate and politic under the name and number mentioned in the proclamation of its erection. It shall be represented by a board of three trustees, elected as herein provided, and bearing the name of the trustees of the (Protestant or Catholic) public or separate school district of (*here insert the name and number*). Such trustees on behalf of the corporation, shall have power to—

- (1.) Acquire real or personal property by purchase, donation, devise or otherwise, and hold and enjoy, or alienate the same, for school purposes ;
- (2.) Enter into contracts, transact business, bind and oblige themselves and others within the limit of their functions ;
- (3.) Sue and be sued in any cause or before any court of justice ;
- (4.) Levy such taxation on the real and personal property within the district, in the manner hereinafter provided, as may be necessary for the discharge of the obligations entered into by the corporation of said school district for school purposes ;

- (5.) And generally exercise all the powers vested in them, which are necessary for the maintenance of schools within the district.

## TRUSTEES.

66. A majority of the board of trustees shall constitute a quorum at all meetings; provided that in case the number of trustees is reduced to one, that one shall be held to be a quorum until other members are elected.

67. That member of the board of trustees, whose term of office shall on his election consist of three terms, shall in all cases be chairman of the board for the first of the three terms for which he was elected;

- (1.) Should the chairman at any time from any cause fail to attend to his duties as such, then that trustee whose term of office expires next before that of the chairman, shall be acting chairman until the chairman resumes his duties or until his successor has been elected;

- (2.) In case the acting chairman fails to act, then the remaining trustee shall be acting chairman until as provided in the preceding sub-section.

68. The chairman shall—

- (1.) Call all meetings of the board and public school meetings and preside at such meetings;
- (2.) Have general supervision of the affairs of the district;
- (3.) Certify all accounts against the district before such accounts be paid by the treasurer;
- (4.) Act as returning officer, or appoint some other person to act as such, at all elections that may be held or votes that may be taken, during the period of his chairmanship.

69. The board of trustees at its first meeting in each year shall appoint a secretary, who may be one of their number, whose duty it shall be to—

- (1.) Keep a minute of all the meetings of the board;
- (2.) Answer all communications on school matters in such manner as he may be directed by the board;
- (3.) Examine the records of the school kept by the teacher and see that they are correct;



(4.) Forward to the Lieutenant-Governor, from time to time, the reports, provided for in this Ordinance, and give such other information in regard to the school district as may be desired from time to time by the Lieutenant-Governor, the board of trustees, or school inspector ;

(5.) Have charge of and keep on record all the books, papers, accounts, assessment rolls and other matters, committed to his charge by the board of trustees during his term of office, and deliver the same to the chairman of the board on ceasing to hold office.

70. Should the secretary at any time be unable to attend to his duties, the chairman shall appoint some member of the board to act as secretary until the secretary resumes his duties or until the board sees fit to appoint another secretary.

71. By motion of the board one of the members thereof may, with his consent, be appointed treasurer of the district for the whole or any part of the term for which he was elected to serve, but such treasurer shall receive no remuneration for his services, and the members of the board shall individually and collectively be held responsible by virtue of their office for the safe keeping of all sums of money placed in such treasurer's hands.

72. Should it be found inexpedient to appoint a member of the board as treasurer, then the board shall appoint a responsible resident of the district to be treasurer or secretary treasurer, during the pleasure of the board, at such rate of remuneration as may be agreed upon. Every such treasurer shall before entering upon his duties as such, give security to the school trustees by a bond signed and acknowledged before a magistrate, and such security shall be given by at least two solvent sureties jointly and severally to the satisfaction of the board of trustees and to the amount of any moneys for which the treasurer may at any time be responsible, whether arising from the school fund or from any particular contribution or donation paid into his hands for the support or benefit of the school, and such security shall be renewed at the beginning of each year, or renewed at other times or changed whenever renewal or change is required by the board of trustees.

73. It shall be the duty of the treasurer to collect, receive and account for all school moneys, whether derived from the Government or otherwise, for the purpose of education, within the district of which he is treasurer, and to distribute such moneys in the manner directed by the board of trustees, and he shall give and take receipts for all moneys so received and paid out by him, which he shall, when called upon, produce before the board of school trustees as also all moneys or accounts in his charge, and shall hand over the same to the board of trustees on his ceasing to hold office.

74. Should the treasurer be at any time unable to attend to his duties the secretary, if the treasurer be a member of the board, shall attend to such duties in his place, but if the treasurer should not be a member of the board, then the board shall appoint some person to attend to his duties, under the necessary bonds, and in the meantime the board of trustees shall be held to be the treasurer of the district.

75. It shall be of the duties and within the powers of any board of trustees of any school district to:—

- (1.) Engage a school teacher or teachers on such terms as the board may deem expedient;
- (2.) Procure a suitable building or buildings by purchase, lease or otherwise, for use as a school room, in as central a location and of as satisfactory a character as possible with, if expedient, a playground attached;
- (3.) Make such assessments on the real and personal property of the district and levy such taxes as may be necessary to defray the expenses authorized to be incurred in the preceding subsections, and all necessary expenses incurred in the election of trustees, keeping the accounts or transacting the business of the district, and in furnishing the school-room with school material, furniture and firing;
- (4.) Inspect the school, see that good order is kept and proper instruction is given and dismiss the teacher or any of the pupils for misconduct or immorality, or the teacher for incapacity;
- (5.) See that true accounts both of the school and district are kept, and that the affairs of the district generally are conducted in the manner provided in this Ordinance and with a due regard to efficiency and economy;
- (6.) Select all the books, maps and globes to be used in the schools under their control from the list of those authorized by the Lieutenant-Governor-in-Council, provided, however, that in the case of books, no other books shall be used by the trustees of any Catholic school district than the books selected by the Catholic section of the board of education in the Province of Manitoba;
- (7.) Provide, free of cost, out of the funds of the district, books and slates for the use of children resident within the district and attending school, when parents are unable through poverty to procure the necessary books and slates for them, the right to such books and slates to rest in the school district;

- (8.) Provide, when deemed expedient, a suitable library for the school district, free of charge, making such regulations as to lending and the prevention of loss or damage to the books of such library, as they may think fit ;
- (9.) Provide, when deemed expedient, out of the school funds, prizes to be competed for by the children at times and in manner to be agreed upon by the trustees and teacher.

#### DUTIES OF TRUSTEES.

76. A trustee may resign at any time by notifying the chairman of the board, or, if he be the only remaining member of the board, the Lieutenant-Governor to that effect, in writing.

77. Any trustee who shall :—

- (1.) Be absent from the district more than three months at any time ;
- (2.) Fail to attend three consecutive meetings of the board, the same having been duly called by written notice left at his house or place of business ;
- (3.) Have become insolvent or convicted of any felony,

may be declared disqualified on motion of the board and his seat as trustee declared vacant and an election to fill the vacancy shall be held as hereinbefore provided.

78. If the Lieutenant-Governor shall at any time receive the resignation of the sole remaining member of a board of trustees of any school district, or a certificate of any two justices of the peace or of the school inspector for the school district mentioned, that the board of trustees has ceased to exist, he shall order another election of trustees, as provided in section 40 of this Ordinance, or shall hold the matter over for the consideration of the Lieutenant-Governor-in-Council as hereinafter provided.

#### TEACHER.

79. As soon as possible after the first election of trustees in any school district, and at such other times as may be expedient, the trustees shall engage a suitable person as school teacher for such term, not being more than one year, and at such salary as may be mutually agreed upon.

80. It shall be the duty of the teachers to—

- (1.) Preside over and maintain good order in the school ;



- (2.) Teach from such and only such books as may be ordered or permitted by the trustees, as provided in this Ordinance ;
- (3.) Hold a public examination of the classes in the school at least once in six months, or otherwise as directed by the trustees ;
- (4.) Admit trustees, school inspectors, parents of children attending, or ratepayers of the district to the school room at any time ;
- (5.) Report to the trustees, from time to time, on the necessities of the school and the behaviour of the children attending it ;
- (6.) Punish children for misbehaviour, inattendance or disobedience, in such manner as the trustees may permit or direct ;
- (7.) Keep a true register of the school, according to the forms supplied by the Lieutenant-Governor, and make such returns as may be required by the trustees or the Lieutenant-Governor or Lieutenant-Governor-in-Council under this Ordinance.

#### CONDUCT OF SCHOOL.

81. School shall be held between nine o'clock and twelve o'clock in the forenoon, and one o'clock and four o'clock in the afternoon of every day in the year, not including Saturdays, Sundays, statutory holidays, the two weeks following the twenty-third day of December in each year, summer holidays (not exceeding four weeks) during the months of August or September, as may be directed by the trustees, and any other holidays that may be permitted by the board of trustees.

82. A recess of fifteen minutes in the forenoon and the same length of time in the afternoon may be allowed the children attending school, at the pleasure of the board of trustees.

83. A form of prayer, adopted by the board of trustees, may be used by the teacher at the opening of the school each day.

84. No religious instruction, such as bible reading, or reciting, or reading or reciting prayers, or asking questions or giving answers from any catechism, shall be permitted in any public or separate Protestant or Catholic school in the North-West Territories, from the opening of such school at nine o'clock in the forenoon until the hour of three o'clock in the afternoon, after which time any such instruction as may be allowed under this Ordinance and permitted or desired by the trustees of the district may be given.

85. Any child attending any school whose parent or parents or guardian is or are of the religious faith different from that expressed in the

name of such school district, shall have the privilege of leaving the school room at the hour of three o'clock in the afternoon, or of remaining without taking part in any religious instruction that may be given, if the parents or guardian so desire.

86. And it shall be unlawful for any teacher or school trustee to, in any way, attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school, and such action on the part of any school trustee, inspector or teacher, shall be held to be a disqualification for and voidance of the office held by him or her.

87. No fee shall be charged by any school district on account of the attendance of any children, whose parents or guardians are ratepayers of such district, at the school thereof; but a rate not exceeding five cents per day, payable in advance, may be charged on any children resident outside the limits of such district, whose parents or guardians are not ratepayers of such district.

#### INSPECTORS.

88. The Lieutenant-Governor may appoint from time to time school inspectors for the different districts of the country and at the time of such appointment designate the school districts which such official may inspect; provided that Protestant and Roman Catholic schools shall be inspected by officers of their own faith.

89. Inspectors shall not be entitled to any remuneration for their services.

90. It shall be the duty of the inspectors to—

- (1.) Visit from time to time the schools under their charge and examine the pupils in the different classes as to proficiency in their studies;
- (2.) At the desire of the trustees of any district, examine the teacher employed or proposed to be employed by such trustees as to his proficiency in the studies he is expected to teach and as to his methods of teaching;
- (3.) Examine any candidate for the position of teacher who may apply to him for such examination and grant him such certificate of proficiency in study and method as he may think just;
- (4.) Report from time to time to the Lieutenant-Governor as to the efficiency, methods and usefulness of the schools under his charge as he may deem advisable, and also when deemed advisable to the trustees of the different districts

## AID TO SCHOOLS.

91. Every school district organized under this Ordinance shall receive aid from the General Revenue Fund of the Territories of the amount and in manner as follows, provided that such funds be voted for such purpose from time to time by the North-West Council.

92. The teacher of such public school district shall at the close of each quarter, that is at the ends of March, June, September and December, forward to the Lieutenant-Governor a copy of the school register for such quarter, showing :

- (1.) The days on which school was held during the quarter ;
- (2.) The attendance of children for each day, their denomination or religious faith, with the number of males and females ;
- (3.) The amount of the teacher's salary for that quarter.

93. This statement shall be signed by the teacher and certified as correct by the chairman of the board of trustees, and shall be accompanied by a receipt of the school teacher to the board of trustees of the district for one-half of the salary payable to the teacher for that quarter up to the amount of \$800 per year. Such receipt shall be *prima facie* evidence of payment of such salary and may be produced as such in any court of law.

94. If it shall appear from such return that the average attendance at such school for the days on which it was kept open has been ten scholars or over, then the Lieutenant-Governor shall cause to be transmitted to the treasurer of the board of trustees for the district an amount equal to that paid by the trustees to the teacher to be paid over to the teacher, and the treasurer shall take a receipt from the teacher on payment of the amount to him, which receipt shall be transmitted to the Lieutenant-Governor.

95. In case of a teacher becoming unfitted for duty by sickness, the trustees may, at the end of the then current quarter, discharge such teacher by paying him up in full to the end of that quarter, and on the quarterly return being forwarded to the Lieutenant-Governor, in the manner provided in section 92 of this Ordinance, with a statement of the circumstances of the case, he shall cause to be paid to such teacher the sum of money to which he would have been entitled had the school been kept open regularly and the average daily attendance been ten pupils or over.

96. If a teacher be engaged for a less term than three months or at a less salary than at the rate of \$300 a year, or if the provisions of this Ordinance are not complied with by any school district, then the district



employing such teacher, or otherwise not complying with the terms of this Ordinance, shall not be entitled to receive aid as provided in the preceding sections of this Ordinance.

#### ASSESSMENT.

97. When a school district is situated within a municipality, the trustees shall, as soon as may be after the final revision of the assessment roll of the municipality, make a demand on the council of such municipality for the sum required for school purposes for the then current year; but such sum shall not exceed an amount equal to five mills on the dollar, according to the last revised assessment roll, on the property liable to assessment in such school district for ordinary school purposes, with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and becoming due.

98. When property owned by a Protestant is occupied by a Roman Catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on such rental or leased property shall in all cases, and whether or not the same has been or is stipulated in any deed, contract or lease whatever, be paid to the trustees of the district to which belongs the owner of the property so leased or rented and to no other.

99. Whenever property is held jointly, as tenants, or tenants in common, by two or more persons, the holders of such property being Protestants and Roman Catholics, they shall be deemed and held accountable to the board or boards of trustees for an amount of taxes in proportion to their interest in the premises, tenancy or partnership respectively, and such taxes shall be paid to the school of the denomination to which they respectively belong.

100. If a school district be situated partly within two or more municipal corporations, then the board of trustees shall make a demand upon each of such corporations for that proportion of the amount of money required by such school district, which may justly be demanded by such school district, according to the amount of property included within the limits of the district and situated within the limits of such municipality.

- (1.) In case there is a difficulty in arriving at a proper assessment of the different portions of the school district, the trustees may levy an assessment as provided in the subsequent sections of this Ordinance.

101. If a school district be not situated within the limits of any municipal corporation, then the trustees of such district shall themselves, or by means of an assessor, make an assessment of the real and personal property within the district and inscribe the same upon an assessment roll in the form as hereinafter provided.

102. The trustees of any school district, or an assessor whom they shall appoint, shall, as soon as may be in each year, prepare an assessment roll for the district, in which shall be set down according to the best information to be had, a list of all the taxable property in the district, with the names of the occupants and owners, if such can be procured, and such list shall contain in one line, but in different columns, the following information :—

(1.) Name of occupant or person in possession, (*If there be no occupant, a statement to that effect*).

(a.) Religion of occupant.

(b.) Sex.

(c.) Age.

(d.) Occupation.

(e.) Place of residence.

(2.) Name of owner, if it can be ascertained, (*If owner's name be unknown, such particulars concerning ownership of property as may be known*),

(a.) Religion of owner.

(b.) Sex.

(c.) Age.

(d.) Occupation.

(e.) Place of residence.

(3.) Description of real property in occupation of each person.

(a.) Part of section; number of section, township, range and meridian, or number and description of lot, in special survey, or number of lot, house, or other particulars of each parcel.

(b.) Improvements in cultivated land (*giving area*), and buildings (*giving size*), on each parcel.

(c.) Area in acres or feet of each parcel.

(d.) Value of each parcel.

- (e.) Total value of real property.
- (4.) Description of taxable personal property.
  - (a.) Taxable personal property, other than income, with particulars.
  - (b.) Value of such personal property.
  - (c.) Taxable income.
  - (d.) Total value of personal property, including taxable income.
- (5.) Total value of taxable real and personal property.

103. "Land," "real property" and "real estate" respectively shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any building as to form, in law, part of the realty, and all trees or underwood growing upon the land, and all mines, minerals, quarries, fossils in and under the same, except mines belonging to Her Majesty.

- (2.) "Personal estate" and "personal property" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money, notes, accounts and debts, at their actual value, income and all other property, except land and real estate and real property, as above defined, and except property herein expressly exempted;
- (3.) "Property" shall include both real and personal property, as above defined.

104. All real and personal property situated within the limits of any school district, or income derived by any person resident within the limits of such district, in the North-West Territories, shall be liable to taxation subject to the following exemptions:

- (1.) Real property held or reserved by the Canadian Government, or held for the public uses of the Territories or for any municipality within the Territories, or any school district within the Territories, or any tribe of Indians within the Territories; or any church, with not more than one acre of land attached, or any parsonage with not more than one acre of land attached, or any graveyard not being more than one hundred and sixty acres in extent, or any hospital, orphanage or charitable institution of any religious body within the Territories, with not more than one acre of land attached; all lands or personal property especially exempted from taxation by the Parliament of Canada or of Great Britain; provided always, that when such real property is not



occupied by or for the direct uses of the parties mentioned in the foregoing exemptions, the occupant shall be assessed in respect of such property;

- (2.) There shall further be exempted all farm produce held by any person, not the producer, for the sole purpose of shipment out of the district; the net personal property of any person to the amount of one hundred dollars; the annual income of any person to the amount of four hundred dollars; all income derived from real property or capital liable to taxation by the district, and household effects, of whatever kind, except musical instruments.

105. A person occupying property of deriving income not liable to taxation, may compel the assessor, on written demand, to assess him for such property or income in order that he may thereby be qualified for voting or holding office.

106. Land and personal property shall be assessed against the person in occupation or possession thereof, unless when in the case of a non-resident owner, such owner shall in writing require the assessor to assess him alone for such property.

- (1.) But the person assessed shall in all cases, unless there is a stated agreement to the contrary, have summary recourse against such owner for the amount of taxes paid;

- (2.) Provided always that, if the occupant be of the religious faith different from that expressed in the name of the school district being either Protestant or Roman Catholic, he, upon giving the assessor notice in writing to the effect that he desires to pay his school taxes to any certain district of the faith, either Protestant or Catholic, to which he claims to belong, and by truly informing the assessor as to who is the owner, and where he may be found, he shall only be assessed for that part of the property, either real or personal, of which he is owner.

107. No ratepayer shall be entered for assessment more than once on the assessment roll, and the taxes may be recovered either from the owner or occupant.

108. Where more persons than one are joint tenants, or tenants in common, or holders of any property, they, or any number of them, shall be assessed for the whole of such property, subject always to the provisions of section 99 of this Ordinance, and such assessment may be levied upon any one or more of them, saving always the recourse of such persons against the remaining holders, tenants or owners.

109. Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

110. Land held in actual use and not for purposes of sale, shall be appraised at the value which it is reasonably worth for the purposes for which it is in use.

111. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed, with such other information as to owner, occupant, location and value, or other necessary particulars as may be demanded, and if he fails to do so or knowingly makes any false statements, such person shall, upon complaint of the assessor and upon conviction before a justice of the peace having jurisdiction within the district, forfeit and pay a fine of twenty dollars, to be recovered in like manner as other penalties upon summary conviction before a justice of the peace.

112. The assessment roll shall be completed as soon after the first of February in each year as shall be deemed expedient by the trustees, and the assessor shall, before handing the roll over to the secretary of the board of trustees, make affidavit (which shall be inscribed upon the roll) before a justice of the peace, that the statements contained therein are correct to the best of his knowledge and belief, after making due enquiry in each case.

#### COURT OF REVISION.

113. On receipt of the assessment roll by the secretary of the board of trustees in form as hereinbefore provided, he shall file the same, and at all convenient office hours shall keep it open to the inspection of all persons resident within the district or owning or in the possession of property, or in the receipt of incomes within the district, for at least the space of two weeks and until the sitting of the court of revision.

114. As soon as the assessment roll shall have been completed and filed as hereinbefore provided, the secretary of the board of trustees or the assessor shall notify in writing, by post or otherwise, every person whose name appears upon such roll and whose address is known, as follows:—

SIR (OR MADAM):—

SCHOOL DISTRICT No. }  
Month, day, year. }

You are hereby notified that your name appears on the assessment roll of this School District for the present year as the owner (or occupant) of the following property: (*Then give description of property and assessed value*). The Board of Trustees for the district will sit as a Court of Revision as follows: (*Mention day, hour and place at which court shall be held*), and if you consider that you have been wrongfully assessed as above stated you will have an opportunity to make a statement of your case before the above court.

Take Notice that if you do not appear before this Court of Revision you will not be entitled to appeal from its decision to the District Court.

(Signed).....  
Secretary Board of Trustees.

(or.....  
Assessor School District No.)

To.....

115. The board of trustees shall cause to be posted up in at least ten conspicuous places within the district, a notice that the assessment roll of the district for the current year has been made up, and where it may be examined, also the times and places at which the court of revision will be held, with a notice that such parties as do not appear before the court of revision will not be entitled to appeal from the decision of the court of revision to the district court.

116. The board of trustees of any school district shall sit as a court of revision not less than fifteen or more than thirty days from the posting of the last of the notices hereinbefore mentioned, and shall hear all complaints that may be entered up to the end of the day so appointed, and may adjourn from day to day until such complaints have been disposed of, but complaints entered after the day mentioned may or may not be recognized by such court of revision.

117. Such court of revision shall have power to take evidence under oath, if necessary, either on behalf of the appellant or the school district, and shall alter or amend the assessment roll as to them shall seem to be in accordance with what is just and right.

118. If a person be dissatisfied with the decision of the court of revision he may appeal therefrom by entering a notice to that effect with the clerk of the district court for the division in which the school district is situated, and by depositing with the clerk of the court the costs of such appeal. Such notice of appeal must be entered within four days after the close of the court of revision for the school district. The clerk shall forthwith issue an ordinary summons returnable at the then next court sittings in the division in which such district lies, making the trustees defendants, and cause a copy with the notice of appeal attached to be served on the secretary of the school board.

119. The tenant, occupant or owner of any real or personal property situated within the limits of any organized school district, may elect to pay the amount of taxes for which he is assessed on any property that he may have, to another school district, provided such school district is of the class, either Protestant or Catholic, different from the one in which the property of which he is the occupant or possessor, is situated, and of the class to which such person claims to belong, at any time after the assessment is made and before the last sitting of the court of revision of the district; and he shall notify the assessor of the district in which he is assessed to that effect, and the assessor shall thereupon note in the assessment roll the fact of such notice having been received.

#### RATE OF ASSESSMENT.

120. The trustees of the school district shall make out an estimate of the probable expenditure of the district for the current year, and shall strike such rate of assessment on the assessed value of the property,



both real and personal, within the district, as shall be sufficient to meet such probable expenditure, making due allowance for all charges and probable loss in collection ;

- (1.) Such rate shall not exceed five mills in each dollar of property liable to taxation for ordinary school purposes, with such additional rate per dollar as may be necessary to meet any debenture indebtedness that may have been incurred by such school district on the terms upon which it was incurred.

121. Such rate shall not be struck until after the sitting of the court of revision, but as soon thereafter as may be, and in case of any appeals having been made to the district court, the rate shall not be struck until after the sittings of the court to which such cases were appealed, provided that a sitting of the said court be held within sixty days after the close of the court of revision.

#### COLLECTION.

122. The board of trustees shall cause to be made out a collector's roll for the school district, on which shall be set down the name of every person assessed, the assessed value of his real and personal property and the amount with which such person is chargeable according to the rate of taxation struck in respect of sums ordered to be levied by the board of trustees, with any other particulars that may be necessary, and such roll shall be placed in the hands of the treasurer for collection.

123. As soon as the treasurer shall have received the collector's roll he shall remit or cause to be remitted by mail or otherwise to each person whose name appears upon it as assessed for taxes a notice in the following form :

School District, No.                      Month, day, year.

SIR (OR MADAM),—You are hereby notified that you are assessed on the assessment roll of this district for the following properties : (*here give description and assessed value*) the taxes on which, at the rate of                      on the dollar, amounts to  
(*here mention amount*). If the above amount is not paid to the undersigned within thirty days from the date of this notice, action to recover, as provided by law, will be taken.

.....  
Treasurer, School District No.

To.....

124. The treasurer shall give receipts on behalf of the school district for all taxes paid to him, and shall enter the fact of such payment having been made, with the date of payment on the collector's roll.

125. As soon as judgment has been given in the cases of assessment appealed to the district court, the trustees shall alter, amend, or erase from the assessment and collector's rolls in accordance with such decision,

and the treasurer may proceed to the collection of all such taxes without notice.

126. The treasurer shall notify the board of trustees from time to time of the persons who fail to pay the taxes assessed against them, and the board of trustees shall take, or authorize to be taken, such action for the collection of such taxes as is hereinafter provided in this Ordinance.

127. In case any person fails to pay the taxes assessed against him during the thirty days of notice provided in section 123 of this Ordinance, the treasurer may, by himself or his agent, levy the same with costs, by distress of the goods and chattels of the person against whom the same is assessed, situated within the school district, or of any goods or chattels found upon the premises assessed, the property of or in the possession of any other occupant of the premises, and the costs chargeable shall be those payable to deputy sheriffs.

128. The treasurer shall by advertisement, posted up in at least three public places in the school district, wherein the sale of goods and chattels distrained is to be made, give at least six days public notice of the time and place of such sale and of the name of the person in payment of whose taxes the property is to be sold, and, at the time named in the notice, the treasurer, or his agent, shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes assessed, with all lawful costs up to the close of sale.

129. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, it shall be returned to the person in whose possession the property was when the distress was made.

(1.) If any such claim is made by the person for whose taxes the property was distrained and the claim is admitted, the surplus shall be paid to the claimant ;

(2.) If the claim is contested, such surplus money shall be paid over by the treasurer of the district to the clerk of the division of the district court, within whose jurisdiction such school district is situated, who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

130. If the taxes payable by any person cannot be recovered in any special manner provided by this Ordinance, they may be recovered, with interest and costs, as a debt due the school district, in which case the production of the collector's roll or a copy of so much thereof as relates

to the taxes payable by such person, certified as a true copy by the secretary of the school district, shall be *prima facie* evidence of the debt.

131. An abstract from the assessment and collector's rolls of the district to which such person as is mentioned in section 119 of this Ordinance, has elected to pay his assessment, showing that he has been assessed in that district for the property, the assessment of which he desired to have made therein, and has paid the taxes assessed thereon, according to the rate levied by that district for the year, accompanied by the affidavit in regular form of the assessor and collector of such district, that the before mentioned abstract is correct, shall be held to be evidence that he has paid his taxes to that district, and he shall then not be liable for taxes to the district within the limits of which the land or property of which he is the owner or occupant is situated, but if the before-mentioned abstracts be not produced with the affidavits required within thirty days from the first demand made by the treasurer of the district within which the land occupied by him lies, he shall pay the taxes assessed against him on the assessment and collector's rolls of that district to the collector thereof, and on producing proof of such payment in the manner provided in the preceding portion of this section, he shall be relieved from paying the taxes assessed against him by the district to which he elected to pay his taxes in regard to the personal property hereinbefore mentioned, and such taxes shall on collection be paid over, less costs of collection, to the treasurer of the district to which such person desired to pay his taxes.

- (1.) In no case shall a Catholic be compelled to pay taxes to a protestant school or a Protestant to a catholic school.

132. The treasurer shall on or before the first day of December in each year return the collector's roll to the secretary of the board of trustees, with an account of all moneys received by him, accompanied by an affidavit, made before a justice of the peace, that the collection and other proceedings have been taken in accordance with the terms of this Ordinance and that all the returns contained therein are correct.

133. The treasurer shall at the same time make a return in particular, certified by affidavit as provided in the next preceding section, of all property upon which the taxes, or any portion thereof, remain unpaid, and the reason of the failure of such payment.

- (1.) A copy of such return shall be kept on file by the secretary of the school district and shall be open to inspection of all ratepayers of the district or their agents.

134. The taxes accrued on any land or property shall be a special lien on such land or property, having preference over any claim, lien, privilege



or incumbrance of any party, except the Crown, and shall not require registration to preserve it.

135. Such accrued taxes shall be entered upon the assessment roll of the district against such property from year to year and shall be held to be payable, if not otherwise collected, at the same time and in the same manner as the ordinary taxes of the year.

136. Whenever the treasurer is satisfied, or is notified by the board of trustees, that there is sufficient distress upon any real property within the district which is in arrears for taxes, he shall proceed to levy the amount due in the same manner and under the same provisions as are contained in section 127 of this Ordinance.

137. Whenever a portion of the tax on any land has been due for and in the third year, or for more than three years preceding the current year, the board of trustees may prepare a list, which shall be in duplicate, of all the lands liable to be sold for arrears of taxes under this Ordinance, with the amount of arrears against each lot, parcel or sub-division, and all other lawful charges standing against such land on account of such arrears of taxes, and the chairman shall certify to the correctness of such lists. One of the said lists shall be deposited with the clerk of the division of the district court having jurisdiction within the school district, and the other placed in the hands of the treasurer, with a warrant thereto annexed, commanding him to levy at a certain date upon the land for the arrears due thereon, with the costs.

138. The proceeding for the sale of land for school taxes shall be the same, *mutatis mutandis*, as those provided by the Municipal Ordinance of 1884.

#### INCURRING DEBT.

139. Should it appear desirable to the board of trustees of any school district that a sum of money should be borrowed upon the security of the district for the erection, purchase or improvement of a school building or buildings for the district, or for the purchase or improvement of sites for such school building or buildings, or for the purchase of suitable play grounds for the children attending the school or schools of the district, they shall, before proceeding to borrow such sum of money, receive the sanction of a majority of the ratepayers of the district, by taking a vote thereon as hereinafter provided.

140. The board of trustees shall give notice of the polling to take place by printed posters displayed in at least twenty conspicuous places throughout the district, at least twenty days before the polling, and by advertisement for the same length of time, once each week, in the newspaper published nearest the school district.

141. The notice of polling shall set forth :—

- (1.) The sum of money which it is desired to borrow ;
- (2.) The term for which it is to be borrowed ;
- (3.) The rate of interest to be paid ;
- (4.) The purpose or purposes for which the money is to be expended, and the amount to be expended upon each ;
- (5.) The rate of taxation which it will be necessary to levy on the assessable property of the district according to the last finally revised assessment roll, in order to pay the principal and interest necessary to be paid on such loan, in accordance with the terms on which it is to be contracted, such terms being within the limitations provided by section 149 of this Ordinance ;
- (6.) The place, day and hours of voting, the hours in all cases being from ten o'clock a.m. until four o'clock p.m. ;
- (7.) The qualification of voters, which shall be the same as provided in section 12 of this Ordinance.

142. A certified copy of the notice of polling shall be furnished to the Lieutenant-Governor by the chairman of the board.

143. The chairman of the board of trustees shall be returning officer, and shall act as provided in sections 17 and 18 of this Ordinance.

144. The method of taking the vote, administering the oath and conducting the polling shall be as provided in sections 50, 51, 52, 53, 54 and 55 of this Ordinance.

145. Scrutineers shall act as provided in sub-section (7) of section 17 of this Ordinance.

146. The poll shall be closed and the first summing up and the final recount of votes made in accordance with sub-section (8) of section 17 and section 21 of this Ordinance.

147. The Lieutenant-Governor, on satisfying himself from the information submitted to him, as hereinbefore provided, that the vote has been properly taken, shall, in writing, empower the board of trustees to borrow the sum or sums of money mentioned in the notice of polling, or the contrary, according to the expressed wish of the majority of the legally qualified voters of the district.

148. Provided that if it shall appear to the Lieutenant-Governor that any school district desiring the power of borrowing money is not in a condition to repay such money at the time and in the manner set forth in the notice of polling, he may withhold his sanction to the borrowing of such money by such school district, although a majority of the rate-payers may have voted in favor of it, and shall refer the matter to the consideration of the Lieutenant-Governor-in-Council.

149. All money borrowed under this Ordinance shall be borrowed by debenture ;

- (1.) The total face value of the debentures issued shall not be for a greater sum than one-tenth of the total assessed value of the real and personal property within the district, according to the last finally revised assessment roll of the district ;
- (2.) Debentures shall not run for a longer term than ten years, and shall be redeemable in equal annual instalments ;
- (3.) Debentures shall be of the form following :—

School District No. .... \$. .... Debenture No. ....

The Trustees of ..... School District No. .... promise to pay the bearer, at the ..... at ..... the sum of ..... dollars of lawful money of Canada, in ..... equal annual instalments from the date of the countersigning hereof, with interest at the rate of eight per cent. per annum, at the terms and in the amounts specified in the coupons appearing on the back of this debenture.

(Signed) ..... Chairman (or Acting Chairman).  
..... Trustee, Secretary-Treasurer.

Countersigned this ..... day of ..... 188..

..... Lieutenant-Governor N. W. Territory.

(Coupons.)

Coupon No. ....  
Debenture No. ....

The Board of School Trustees of ..... School District No. .... will pay to bearer at the bank at ..... on the ..... day of ..... 188.., the sum of ..... dollars, being the ..... payment with the total interest at the rate of eight per cent. per annum, due on that day on school debenture No. ....

..... Treasurer ..... School District No. ....

Countersigned  
..... Lieutenant-Governor N. W. Territory.



- (4.) The treasurer of the school district shall keep a register giving the names of all persons who may have purchased any of the debentures of such district and the coupons thereof, with the time of purchase of such debentures, and on any sale of such debentures or coupons to other parties being reported to him by the buyer and seller of such debentures or coupons with a request for registration, he shall register the date and circumstances of such transfer.

150. The trustees of any school district having received notice from the Lieutenant-Governor, authorizing them to contract a loan as hereinbefore provided, shall issue debentures therefor in the form set forth in sub-section (3) of the next preceding section to secure the amount of the principal and interest of such loan upon the terms specified in the notices of polling before mentioned, and said debentures and the coupons thereof shall be sufficient, when signed by two of the trustees of the district and countersigned by the Lieutenant-Governor, to bind such school district, and to create a charge or lien against all school property and rates in the school district for which such loan is made.

151. All debentures shall, on redemption, be transmitted to the Lieutenant-Governor by the board of trustees for registration and cancellation by destruction.

#### SCHOOL MEETINGS.

152. A meeting of the ratepayers of every public school district shall be called by the chairman of the board of trustees for the first Tuesday in January in each year, or such other day, not later than the Saturday following, as may be expedient, by public notice, giving the day, place and hour of meeting, and such notice shall be posted in ten conspicuous places within the district one week before the day for which the meeting is called.

153. The chairman of the board of trustees shall be chairman of the meeting, and the meeting shall elect a secretary, who shall record the minutes thereof.

154. There shall at such meeting be submitted in writing by the board of trustees and read to the meeting:—

- (1.) By the secretary thereof, a statement by the teacher and signed by him, giving the following particulars:
  - (a.) The number of days on which school was kept open during the year succeeding the last annual meeting;
  - (b.) The total number of children attending school during that period, specifying the number of males and females respectively;

- (c.) The average age of the children attending school ;
  - (d.) The religious faith professed by the children, or their parents on behalf of the children ;
  - (e.) The average daily attendance throughout the year ;
  - (f.) The branches of education taught in the school and the number of children studying each ;
  - (g.) The number of dismissals of scholars for misbehavior or other causes ;
  - (h.) Such general remarks as to the progress and well being of the school as he may desire to make.
- (2.) By the secretary of the board of trustees and signed by him, a statement showing :
- (a.) The names of the trustees for the year, with the term of office which each has yet to fill ;
  - (b.) The vacancies created in the board during the year, if any, giving the reasons therefor and method thereof, with an account of the elections held to fill such vacancies and the results thereof ;
  - (c.) The engagements entered into during the year by the board, as well as an account of those entailed upon them by their predecessors ;
  - (d.) The amount of assessable property in the district according to the last finally revised assessment roll ;
  - (e.) The appeals against assessment made to the district court, and the results of such appeals ;
  - (f.) The times of holding regular meetings of the board of trustees during the year, and the resolutions adopted at such meetings, with such particulars of the minutes as may be demanded by any ratepayer present ;
  - (g.) Particulars of the real and personal property held by the district ;
- (3.) By the treasurer of the district, and signed by himself :
- (a.) The amount of money received by the district from all sources during the year, with particulars ;

- (b.) The amount of money due the district from all sources with particulars ;
- (c.) The amount of money paid out by the district during the year, with the particulars of payment ;
- (d.) The amount, if any, due by the district, to whom due and the terms and time of payment.

155. By the board of trustees, and signed by the chairman, such statement in regard to the past, present and future of the district as they may deem sufficient.

156. The board of trustees, or the members thereof, shall answer any questions that may be asked by any ratepayer present, which questions and answers shall be recorded by the secretary in the minutes of the meeting if required to do so by any ratepayer.

157. A majority of the ratepayers present at the meeting shall elect a competent person to audit the accounts of the district and the reports submitted by the board of trustees.

158. The secretary of the meeting shall, before its close, read the minutes aloud for approval or otherwise, and such minutes shall form part of the yearly report and be placed at once in the hands of the auditor with the reports submitted by the board of trustees.

159. The auditor elected as hereinbefore provided shall have access to all the records of the school district in whose hands soever they may be, and he shall compare them with the reports submitted by the board of trustees to the school meeting, and with the minutes of the school meeting taken by the secretary thereof, and if he shall find from such comparison that the reports submitted are correct and the statements recorded in the minutes are not belied by the records, he shall proceed before a justice of the peace with the reports before mentioned and shall make affidavit as follows before such justice, which affidavit shall be attached to the reports :

I, A. B. make oath and say, that I was duly appointed auditor of the reports and accounts of School District No. . . . . for the year 18. . . . at the regular annual school meeting of the said district and have examined the reports made to the said meeting and carefully compared them with the records of the school district.

I find that the reports are correct throughout and correspond with the records of the district.

Sworn before me . . . . . }  
 . . . . . }  
 . . . . . } Auditor.

C. D.,  
 One of Her Majesty's Justices of the Peace in and  
 for the N. W. T.



160. If the auditor shall find that the reports are incorrect in any particular he shall proceed as before except that the latter paragraph of the affidavit made by him shall read:—

I find that the reports are incorrect in the following particulars (*then specify particulars.*)

161. When the auditor shall have made affidavit as to the reports he shall cause them to be posted to the Lieutenant-Governor without delay.

162. If the report is certified to as correct the Lieutenant-Governor shall cause a copy thereof throughout, excepting the minutes of the school meeting which may be omitted at will, for the purpose of being kept on record and shall transmit the original to the board of trustees of the district which made the report.

163. If the report is certified to as incorrect the Lieutenant-Governor-in-Council shall take such action as may be deemed advisable in the matter.

#### PENALTIES.

164. Any trustee who shall —

- (1) Knowingly falsify or cause or allow to be falsified assessment rolls, voters' lists, school returns, minutes of meetings or any of the records of the district, or who shall fail to deliver up such records when called upon by the chairman or duly appointed auditor ;
- (2.) Misappropriate or cause to be misappropriated any of the funds or real or personal property of the district ;
- (3.) Enter into or have any interest in any contract with the district for which money is to be paid or work done ;

shall thereby be disqualified from fulfilling the term of office for which he was elected and shall be liable to a fine not exceeding fifty dollars.

163. Any school trustee, officer or employee of a school district who, after his ceasing to hold office, detains any book, paper or thing belonging to the school district, shall thereby incur a penalty of not less than five dollars nor more than one hundred dollars for each day during which he wrongfully retains possession of such books, paper or thing after having received notice in writing from the chairman of the board of trustees or from the Lieutenant-Governor requiring him to deposit the same in the hands of some person mentioned in such notice.

166. If a trustee or any other officer or employee of a school district knowingly sign any false school report, school register, assessment or

collector's roll, notice of meetings or elections, or receipts for money on account of the school district, or certificate or other statement as provided in this Ordinance, or shall knowingly falsify any of the above he shall for each offence forfeit a sum not exceeding one hundred dollars.

167. Any returning officer of any school district or proposed school district, acting under the provisions of this Ordinance, who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or taking unlawful votes or altering the returns or books in any way or by any other means, shall be liable to a fine not exceeding one hundred dollars.

168. Should the trustees of any school district wilfully contract liabilities in the name of the district greater or other than as provided in this Ordinance, or appropriate any of the moneys of the school district for purposes other than is provided in this Ordinance, the school district through its proper officers or the Lieutenant-Governor on its behalf may recover from such trustees, jointly or severally, the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount provided in this Ordinance, in addition to the total amount of any moneys that have been misappropriated by such trustees.

169. All prosecutions under the preceding sections of this Ordinance may be instituted by any ratepayer of the school district affected, or by the Lieutenant-Governor, in any court having jurisdiction within the limits of such school district, and if the defendant does not appear or if the complaint be proven, the stipendiary magistrate or justices of the peace shall forthwith declare the election of such trustee or other officer void, with such fine, not exceeding one hundred dollars and costs of court, as he or they may deem sufficient, and shall notify the chairman of the board to that effect, who shall thereupon give notice of an election to fill the vacancy thus created.

170. Any school district which fails to —

- (1.) Employ a duly qualified teacher at a salary of not less than \$300 a year for at least three months in every full year after organization ;
- (2.) Elect and keep in office a duly qualified board of trustees ;
- (3.) Pay at the time and the manner agreed upon any debentures that may have been lawfully issued by such school district ;

shall upon complaint thereof being made and the fact established before a stipendiary magistrate and a certificate thereof having been received by the Lieutenant-Governor, be proclaimed by the Lieutenant-Governor to be disorganized.

171. Upon such proclamation being made the Lieutenant-Governor-in-Council shall thereupon become invested with all the powers of school trustees of such district to conduct the affairs thereof, and shall deal with, and, if necessary, wind up the affairs of such district as the Lieutenant-Governor-in-Council may deem just and expedient.

MISCELLANEOUS PROVISIONS.

172. The fiscal school year shall be held to commence on the first Tuesday of January in each year, and all accounts opened during the preceding fiscal year shall, if possible, be closed at that date.

173. All monies accruing from fines under this Ordinance shall belong to the General Revenue Fund of the North-West Territories.

174. The Lieutenant-Governor shall cause to be kept a register book in which shall appear in regard to each school district :

- (1.) The date at which it was erected ;
- (2.) The full name and number thereof ;
- (3.) The limits, area, situation and general description thereof, according to the plan or map of such district originally submitted to the Lieutenant-Governor ;
- (4.) A certified copy of the original plan ;
- (5.) The alterations, if any, that have been made in its limits, with the date thereof ;
- (6.) Such alterations shown on the copy of the original plan ;
- (7.) The debenture indebtedness that may have been incurred from time to time, with the cancellation thereof when such has taken place ;
- (8.) In cases in which the affairs of the district have been dealt with directly by the Lieutenant-Governor-in-Council, the circumstances attendant thereon.

175. The Lieutenant-Governor shall cause to be kept a book for the registration of debentures, in which shall appear :

- (1.) The name and number of each school district issuing debentures ;
- (2.) The amount of debenture indebtedness incurred by such district from time to time ;



- (3.) The purposes for which the indebtedness was incurred, with particulars of the amount required for each specific purpose ;
- (4.) The date of the countersigning of each debenture by the Lieutenant-Governor, with particulars as to amount, rate of interest, and manner, place and time of payment ;
- (5.) The date of redemption of each such debenture ;
- (6.) The date and manner of destruction of each such debenture by order of the Lieutenant-Governor, with the name of a witness to such destruction.

176. The Lieutenant-Governor shall cause to be printed or procured a sufficient number of blank forms, such as those requiring to be filled in case of applications for the erection of a school district, notices of elections of trustees, notices of public school meetings, notices of polling for the purpose of sanctioning the issue of debentures by a school district, or the division of a public school district into two or more school districts, quarterly registers for the use of schools, blank forms for the use of teachers and trustees sending in the reports provided for in this Ordinance, assessment rolls, tax collector's rolls, assessment notices, tax notices, notices for holding courts of revision, blank debentures, and all other forms provided to be used in this Ordinance, and shall furnish such blanks to the trustees of school districts making application therefor at as nearly cost price as may be, and shall keep supplies of all these forms, except debentures, for sale to boards of school trustees in the hands of responsible parties in each of the principal settlements throughout the Territories.

177. This Ordinance may be cited as the "School Ordinance of 1884."

## No. 6 OF 1884.

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*An Ordinance to establish Liens in favor of  
Mechanics, Machinists and others.*

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[Passed, 6th August 1884.]

Be it enacted by the Lieutenant-Governor of the North West Territories, in Council, as follows :—

1. This Ordinance may be cited as "The Mechanics' Lien Ordinance."
- 2 In the construction of this Ordinance,
  - (1.) "Contractor" shall mean a person contracting with or employed directly by the owner for the doing of work or placing or furnishing of machinery or materials for any of the purposes mentioned in this Ordinance ;
  - (2.) "Sub-contractor" shall mean a person not contracting with or employed directly by the owner for the purposes aforesaid, but contracting with or employed by the contractor or under him by another sub-contractor ; and
  - (3.) "Owner" shall extend to and include a person having any estate or interest, legal or equitable, in the lands upon or in respect of which the work is done, or materials or machinery are placed or furnished, at whose request and upon whose credit or on whose behalf or with whose privity or consent or for whose direct benefit any such work is done, or materials or machinery placed or furnished and all persons claiming under him, whose rights are acquired after the work in respect of which the lien is claimed, is commenced, or the materials or machinery furnished have been commenced to be furnished.
3. Unless there is an express agreement to the contrary, every mechanic, machinist, builder, contractor, miner, laborer or other person

doing work upon or furnishing materials to be used in the construction, alteration or repair of any building or erection, or erecting, furnishing or placing machinery of any kind in, upon or in connection with any building, erection or mine, shall, by virtue of being so employed or furnishing, have a lien or charge for the price of such work, machinery or materials upon such building, erection or mines, and the lands occupied thereby or enjoyed therewith and limited in amount to such sum as is justly due to the person entitled to such lien.

4. Every mechanic, laborer or other person who performs labor for wages upon the construction, alteration or repair of any building or erection, or in erecting or placing machinery of any kind in, upon or in connection with any building, erection or mine, shall, to the extent of the interest of the owner, as that term is interpreted by this Ordinance, have upon such building, erection or mine and the lands occupied thereby or enjoyed therewith, a lien for such wages, not exceeding the wages of thirty days, or a balance equal to his wages for thirty days. This is not to prejudice the lien which any such person may have under the other sections of this Ordinance.

5. The lien given by the preceding section shall operate notwithstanding any agreement between the owner and the contractor for excluding a lien, and notwithstanding that the labor is in respect of a building, erection or mine which belongs to the wife of the person at whose instance the work is done.

6. In case of there being a contract for the construction, alteration or repair, or erecting or placing aforesaid, the said lien for wages shall, to the extent of ten per cent. of the price to be paid to the contractor, have priority over all other liens under the said Ordinance and over any claim by the owner against the contractor for, or in consequence of, the failure of the latter to complete his contract.

7. In case of there being such a contract, as aforesaid, if any person other than the contractor has performed labor or supplied materials on or for the execution of the contract, the owner shall, in the absence of a stipulation to the contrary, be entitled to retain, for a period of thirty days after the completion of the contract, ten per cent. of the price to be paid to the contractor.

8. To obtain the benefit of this Ordinance, the proceedings to realize the lien, provided for in sections four, five, six and seven of this Ordinance, may be instituted and the lien registered at any time (1) within thirty days after the last day's labor for which the wages are payable; or (2) within thirty days after the completion of the construction, alteration or repair of the building or erection, or after the erecting or placing of the machinery in or towards which respectively the labor was performed and the wages earned, but so that the whole period shall not



exceed sixty days from the last day's labor aforesaid ; and the lien shall not continue after the said respective periods, unless the same is duly registered before the expiration of the said periods so limited.

9. A statement of claim in the form or to the effect in the schedule to this Ordinance, may be filed in the registry office in the registration division or district in which such land is situate, before or during the progress of the work aforesaid, or within thirty days from the completion thereof, or from the supplying or placing the machinery aforesaid.

(1.) Such statement of claim shall be verified by the affidavit of the person entitled thereto, to be sworn before any notary public in the division or district, and shall state :

(a.) The name and residence of the claimant and of the owner of the property to be charged, and of the person for whom and upon whose credit the work is done, or materials or machinery furnished, and the time or period within which the same was, or was to be, done or furnished ;

(b.) The work done, or materials or machinery furnished ;

(c.) The sum claimed as due, or to become due ;

(d.) The description of land to be charged.

(2.) When such statement is so registered, the person entitled to said liens shall be deemed a purchaser *pro tanto*.

10. The affidavit of verification required by the foregoing section of this Ordinance, shall not apply to such cases as are provided for in sections four, five, six, seven and eight of this Ordinance, in that it need not repeat the facts set out in the statement of claim, and an affidavit substantially in accordance with form C appended to this Ordinance, shall be sufficient.

11. The registrar shall not be bound in cases provided for in sections four, five, six, seven and eight of this Ordinance, to copy, in any registry book, any statement or affidavit required or authorized by this Ordinance, but he shall number each statement, and shall insert in the alphabetical and abstract indexes the like particulars as in other cases. He may describe the instrument as "Mechanics' Lien." His fee for the registration shall be twenty-five cents. If several persons join in the statement the registrar shall have a further fee of ten cents for every person after the first.

12. The registrar, upon payment of the fee of one dollar, shall register every such claim, except such as may be provided for in the foregoing section of this Ordinance, so that the same may appear as an incumbrance against the land therein described; and such lien shall be discharged by the registrar on his receiving a certificate to that effect from the person entitled to said lien, and verified as required in cases of certificate of discharge of mortgage.

13. Every lien under this Ordinance shall attach upon the estate and interests, legal or equitable, of the owner in the building, erection or mine upon or in respect of which the work is done, or the materials or machinery placed or furnished, and the land occupied thereby or enjoyed therewith, but the lien shall not, in any case, attach upon such estate and interest so as to make the same or the owner thereof liable to the payment of any greater sum than the sum payable by the owner to the contractor; and in case the lien is claimed by a sub-contractor, the amount which may be claimed in respect thereof shall be limited to the amount payable to the contractor or sub-contractor (as the case may be) by whom the work has been done, or the materials or the machinery have been furnished or placed.

14. In cases where the estate or interest charged by said lien is freehold, the fee simple shall be subject to said charge, but in case of such building or erection being situate on land purchased on time payment the balance due on such land shall have priority of the lien.

15. In case the land upon which the work is done or materials or machinery placed is encumbered by a mortgage or other charge existing before the commencement of work, such mortgage or other charge shall not have priority over the lien, to any greater extent than the sum by which the selling value with such work and material thereon exceeds the sum by which the selling value thereof has been actually increased by the improvement caused by such work or materials being placed thereon.

16. All persons doing labor for or furnishing material to the person claiming a lien under this Ordinance in respect of the subject of such lien, who, within thirty days of such performance or furnishing, notify the owner of such a demand against such lien-holder shall be entitled to a *pro rata* charge upon the amount payable under the lien.

17. In case of any dispute as to the validity of such demand, the same shall be determined by suit in the court of the judicial district or by arbitration, as hereinafter provided, and pending the decision of the court or arbitrators the owner shall withhold so much of the amount of the lien, as is in question, and in case the person primarily liable to the person entitled to the lien, fails to pay the amount of the award within ten days after such award is made, the owner, contractor or sub-contractor, may pay the amount awarded out of the money due by him to the per-

son primarily liable. All such payments after an award or otherwise, shall amount to a discharge *pro tanto* of money so due.

18. All payments made on account by the owner to the contractor or sub-contractor before notice of claim of lien shall operate as a discharge *pro tanto* of the lien created by this Ordinance unless made for the purpose of defeating this Ordinance.

19. Proceedings may be taken in the court of the judicial district to recover the amount of the lien by judgment and execution, or the judge of said district may take accounts and make requisite enquiries, and may direct the sale of the estate, subject to the lien, and such further proceedings may be taken for this purpose as the judge thinks proper. Any conveyance under the written directions of the judge shall be effectual to pass the estate.

20. Any number of lien-holders may join in the same suit.

21. In the event of the death of a lien-holder, his right shall pass to his personal representatives, and the right of a lien-holder may be assigned by any instrument in writing.

22. When there are several liens under this Ordinance, the proceeds at any sale shall be distributed amongst them *pro rata*, and they shall be entitled to execution for any balance due to them respectively after such distribution.

23. If the amount of a claim made by a sub-contractor be disputed, the same shall be settled by arbitration.

(1.) One arbitrator shall be appointed by the sub-contractor, one by his employer, and the third shall be appointed by the two so chosen;

(2.) The decision of the arbitrators or a majority of them shall be final.

24. In case of either of the parties interested refusing or neglecting, after notice in writing requiring him to do so within seven days, to appoint his arbitrator, or if the two arbitrators fail to agree upon a third, the appointment may be made by the judge of the district.

25. Every lien which has not been registered as this Ordinance directs, shall cease absolutely after thirty days from the completion of the work, and every lien which has been duly registered shall cease absolutely after ninety days from the completion of the work, unless proceedings have been instituted to realize the claim under the provisions of this Ordinance and a certificate to this effect, granted by the judge of the district court is duly registered with the registrar of the district.



26. No portion of the property affected by a lien shall be removed to the prejudice of such lien and the removal of such property may be restrained on application to the judge of the district court or to the clerk of the court.

27. Upon application, the judge, or clerk of the district court, may receive security or payment in lieu of the amount of such claim and may annul the registry of such lien.

28. In any case the judge of the said court may proceed to hear the matter of a lien, and in case the claimant on said lien has wrongfully refused to grant a discharge thereof or claims a larger sum than is due him, the judge may order him to pay such costs to the other party as the judge may think fit to award.

29. In this Ordinance when the word judge occurs it shall mean stipendiary magistrate.

30. In all cases the costs of the registration of the discharge of liens for wages shall be borne by the contractor unless the judge orders otherwise.

31. This Ordinance shall be called the "Mechanics' Lien Ordinance."

### SCHEDULE.

#### ~~FORM A.~~

#### STATEMENT OF CLAIM.

A. B. of \_\_\_\_\_, under "The Mechanics' Lien Ordinance," claims a lien upon the estate or interest of C. D., of \_\_\_\_\_, in respect of the following work (or materials), that is to say, \_\_\_\_\_, which work was (or is to be) done (or materials were furnished) for the said C. D. on the \_\_\_\_\_ day of \_\_\_\_\_.

The amount claimed as due, or to become due, is the sum of \_\_\_\_\_ dollars.

The description of property to be charged is as follows:

(Description.)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

#### FORM B.

#### STATEMENT OF CLAIM OF LIEN FOR WAGES.

A. B. of \_\_\_\_\_, under "The Mechanics' Lien Ordinance," claims a lien upon the property hereinafter mentioned, in respect of \_\_\_\_\_ days work performed thereon while in the employment of E. F.

The amount claimed is the sum of \_\_\_\_\_ dollars.

The description of property to be charged is as follows:

(Description.)

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

#### FORM C.

#### AFFIDAVIT OF TRUTH OF CLAIM.

I, A. B., named in the above (or annexed) statement of claim, do make oath that the said statement is true (or that the said statement, so far as it relates to me, is true),

Or, We, A. B. and C. D., named in the above (or annexed) statement, do make oath and each for himself saith that the said statement, so far as it relates to him is true.

Sworn before me at \_\_\_\_\_, in \_\_\_\_\_  
the North-West Territories, this \_\_\_\_\_  
day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

E. F.

## No. 7 OF 1884.

*An Ordinance respecting Controverted Elections.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. It shall be lawful for any person who had a right to vote at an election of a member of the North-West Council to petition against the undue return or undue election of any candidate at such election.

2. The petition shall be addressed to the Lieutenant-Governor; shall state fully the grounds upon which the petitioner seeks to set aside the election of such member, and shall be accompanied by the petitioner's affidavit, to be sworn to before a justice of the peace or a notary public, that he believes the allegations therein contained to be true.

3. Upon the receipt of such a petition and the sum of ten dollars, a fee for the clerk of the Council, the Lieutenant-Governor shall cause the same and a copy of all the books, papers and documents relating to the election complained of, certified to by the Clerk of the Council, to be transmitted by registered letter to the clerk of the district court, whose office is nearest the residence of the returning officer at such election.

4. The Lieutenant-Governor shall not take the proceeding required of him by the next preceding section of this Ordinance after the expiration of two months from the receipt of the return of the returning officer by the clerk of the Council.

5. The said clerk shall, upon receipt of the said petition, notify the petitioner that he is required, within ten days after the service of such notice, to lodge security with the said clerk as hereinafter provided.

6. Within ten days after receipt of such notice, the petitioner shall deposit with the said clerk the sum of five hundred dollars for the payment of all costs, charges and expenses that may become payable by the petitioner—

(1.) To any person summoned as witness on his behalf, or

(2.) To the member or returning officer whose election-return or conduct is complained of.

7. If the petitioner fails within ten days after the service upon him of the said notice to deposit the said security, all proceedings under the petition shall cease, and the petitioner shall have no right to petition again under this Ordinance.

8. The said clerk of the district court shall, upon receipt of the said deposit, issue an ordinary writ of summons, from his court, against all parties complained of in the petition, and thenceforward the matter of the said petition shall become a cause in the said district court, to be tried and determined by the stipendiary magistrate in the usual way, and the stipendiary magistrate shall have the same powers with reference thereto as he now possesses in civil actions.

9. At the conclusion of the trial the stipendiary magistrate who tried the case shall determine whether the member whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void, and shall forthwith certify in writing, such determination to the Lieutenant-Governor, appending thereto a copy of his notes of the evidence, and upon such certificate being given, such determination shall be final to all intents and purposes.

The provisions of this Ordinance shall apply to any petition now in the hands of the Lieutenant-Governor against the return of any member of the North-West Council, provided the sum of ten dollars is paid to him within one month from the passing of this Ordinance.

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## No. 8 OF 1884.

*An Ordinance to Regulate the Costs of Distress for Rent  
and extra-judicial Seizure.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories,  
in Council, as follows:

1. No person whomsoever making any distress for rent nor any person whomsoever employed in any manner in making such distress, or doing any act whatsoever in the course of such distress, or for carrying the same into effect, shall have, take or receive, out of the proceeds of the goods and chattels distrained upon and sold, or from the tenant distrained on, or from the landlord or from any other person whomsoever, any other or more costs and charges for and in respect of such distress or any matter or thing done therein, than such as are fixed in the schedule "A" hereunto annexed and applicable to each proceeding which shall have been taken in the course of such distress, and no person or persons whomsoever shall make any charge whatsoever for any act, matter or thing mentioned in this Ordinance, or in the said schedule, unless such act, matter or thing shall have been really performed or done.

2. No person whomsoever making any seizure under the authority of any chattel mortgage, bill of sale or any other extra-judicial process whatsoever, nor any person whomsoever employed in any manner in making such seizure or doing any act whatsoever in the course of such seizure, or for carrying the same into effect, shall have, take or receive out of the proceeds of the goods and chattels seized and sold from the person against whom the seizure may be directed, or from any other person whomsoever, any other or more costs and charges for and in respect of such seizure, or any matter or thing done therein or thereunder than such as are fixed in the schedule "A" hereunto annexed and applicable to each act which shall have been done in course of such seizure, and no person or persons whomsoever shall make any charge whatsoever for any act or matter or thing mentioned in the said schedule, unless such act, matter or thing shall have been really performed or done.

3. If any person making any distress or seizure referred to in sections one and two of this Ordinance shall take or receive any other or greater

costs than are set down in the said schedule, or make any charge whatsoever for any act, matter or thing mentioned in the said schedule and not really performed or done, the party aggrieved may cause the party making the said distress or seizure to be summoned before the Court of the Judicial Division in which the goods and chattels distrained upon or seized or some portion thereof lie, and the said court may order the party making the distress or seizure to pay to the party aggrieved treble the amount of the moneys taken contrary to the provisions of this Ordinance and the costs of suit.

#### SCHEDULE "A."

1. Levying distress ..... \$1.00
2. Man in possession, per day..... 1.50
3. Appraisement, whether by one appraiser or more, two cents on the dollar on the value of goods up to \$1,000, and one cent on the dollar for each additional \$1,000 or portion thereof.
4. All reasonable and necessary disbursements for advertising.
5. Catalogue, sale, commission and delivery of goods, five per cent. on the net proceeds of the goods up to \$1,000, and  $2\frac{1}{2}$  per cent. thereafter.

No. 9 OF 1884.

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*An Ordinance respecting Distress for Interest upon Mortgages.*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. From and after the first day of January, A. D., 1885, the right of mortgagees to distrain for interest due upon mortgages shall be limited to the goods and chattels of the mortgagor only, and as to such goods and chattels, only such as are not exempt from seizure under execution.

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No. 10 OF 1884.

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*An Ordinance to declare the law respecting real property  
held by two or more persons.*

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[Passed 6th August 1884.]

Whereas it is desirable to declare the law of real property in the North-West Territories in respect to the effect of conveyances to two or more persons in certain cases ;

Therefore be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Whenever by any letters patent, conveyance, assurance, will or other assignment executed after the coming into force of this Ordinance, land is granted, conveyed or devised to two or more persons, other than executors or trustees, in fee simple or for any estate, legal or equitable, it shall be considered that such persons take as tenants in common and not as joint tenants unless an intention sufficiently appears on the face of such letters patent, conveyance, assurance, will or other assignment, that they take as joint tenants.

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## No. 11 OF 1884.

*An Ordinance to encourage the planting of Forest Trees.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. The Lieutenant-Governor may in each year, by proclamation, appoint one or two public holidays to be observed throughout the Territories, which days shall be known as Arbor Days, for the planting of forest and other trees, but such proclamation shall only affect such portions of the Territories as are mentioned therein.

## No. 12 OF 1884.

*An Ordinance respecting compensation to the Families  
of Persons killed by Accidents.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

1. The following words and expressions shall have in this Ordinance the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter:—

(1.) "Parent" shall include father, mother, grandfather, grandmother, step-father, step-mother and

(2.) "Child" shall include son, daughter, grandson, granddaughter, step-son and step-daughter.

2. Whenever the death of a person has been caused by such wrongful act, neglect or default as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, in each case the person who would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured.

3. Every such action shall be for the benefit of the wife, husband, parent, child, brother or sister of the person whose death has been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased, and in every such action the court may give such damages as it thinks proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action has been brought.

4. Not more than one action shall lie for and in respect of the same subject matter of complaint, and every such action shall be commenced within twelve months after the death of the deceased person.



No. 13 OF 1884.

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*An Ordinance to amend Ordinance No. 12 of 1883,  
intituled "An Ordinance respecting Auctioneers,  
Hawkers and Pedlers."*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. Section number two of the said Ordinance is hereby amended by adding after the words "Twenty-five dollars" the following words: "when the application is made on or before the thirtieth day of June in any year, and the sum of twelve dollars and fifty cents when such application is made after such date."
  2. The words hawker or pedler in this Ordinance shall not be taken to mean any person selling meat, fish, fruit, or farm produce by retail.
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## No. 14 OF 1884.

*An Ordinance to amend and consolidate, as amended,  
the several Ordinances respecting the  
marking of Stock.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. In this Ordinance the word “mark” shall mean brand or mark, and the word “stock” shall include any horse, mule, ass, swine, sheep or goat, as well as any neat cattle or animal of the bovine species.

2. The Lieutenant-Governor may, whenever he thinks it desirable that the provisions of this Ordinance should apply to any part of the North-West Territories, set apart by proclamation any portion thereof, to form and be known as a stock district, and designated by a number, commencing with “one”, and so on as different districts are so set apart; and this Ordinance shall apply only to stock districts so set apart. In such proclamation the Lieutenant-Governor shall name a clerk of a district court, who shall be recorder of marks for the district so formed, whose office shall be the general office for recording marks in the district.

3. The recorder, upon the application of any one desiring a recorded mark, shall designate the particular mark to be used by such applicant, and define the place and position it shall occupy on the animal, consulting always the choice or convenience of applicants so far as may be without interfering with previously recorded marks.

4. The recorder shall keep a record of all marks, with the name and residence of the person owning the same, in a book suitable for that purpose (which book shall be free to the inspection of all persons interested); and he shall furnish to any person, on application, a certified copy of any mark so recorded, which certificate shall be deemed evidence in law.

5. Any person using a like mark in the position or place recorded by another shall be liable on conviction in a summary manner, before a

justice of the peace, to a fine of not more than one hundred dollars, and in default of payment of such fine, to imprisonment, not exceeding forty days for each offence.

6. It shall be the duty of every person who sells stock to another party to mark such stock with a vent mark, which vent mark shall not in any case be placed in such a position as to obliterate or efface the original mark and where any such vent mark shall have been branded as above, it shall be *prima facie* evidence of sale or transfer.

7. Every person recording a mark shall also at the same time record and register his vent mark.

8. If any person hereafter shall mark or cause to be marked any stock, the property of another person, without that other person's consent, he shall pay the owner of the same three times the value of the animal so marked; and any such owner may sue for, and recover the same in any court of competent jurisdiction.

9. The owner of any recorded mark may, by writing, transfer the same to any person, who may record the transfer, and the transferee shall have thereafter all the rights of the person who first recorded it.

10. The following fees shall be payable to the recorder: for recording each mark, two dollars; for each certified copy of every recorded mark, fifty cents; for every search for mark, twenty-five cents.

11. Ordinances No. 12 of 1878, and No. 17 of 1883 are hereby repealed.

12. This Ordinance may be cited as "The marking of Stock Ordinance 1884."

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## No. 15 OF 1884.

*An Ordinance to amend Ordinance No. 1 of 1883,  
respecting Infectious Diseases of Domestic Animals.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the Northwest Territories, in Council, as follows:

1. The Lieutenant-Governor may, whenever he considers it necessary, appoint one or more veterinary surgeons, defining in such appointments the district or limits within which each such veterinary surgeon shall exercise the powers by law imposed on him.

2. The owner of any horse or animal affected with glanders, or farcy, or the person in whose charge such animal may be, shall, immediately on ascertaining that the animal is affected, or on being notified thereof by a veterinary surgeon appointed as aforesaid, kill such animal and burn or bury the carcass of the said animal to the satisfaction of the veterinary surgeon aforesaid. And in case the owner or person, in whose charge the affected animal may be, refuses or neglects to carry out the provisions of this section, the veterinary surgeon may kill and burn or bury the carcass of the animal, at the expense of the said owner or keeper; provided, however, that if the owner of such animal has reason to believe that such animal is not affected with glanders, or farcy, he may deliver a notice in writing to that effect to the veterinary surgeon and the veterinary surgeon shall thereupon place the animal in quarantine, and shall give notice requiring the owner, or person in whose charge such animal may be, to be and appear before such justice of the peace as may be named in such notice, at such time and at such place as may therein be named, to show cause why the said animal should not be destroyed; and, the said justice of the peace shall, at such time and place, whether such owner or keeper appears or not, hear such evidence as may be submitted by the veterinary surgeon and by the owner or holder of such animal and thereupon shall, if the evidence, in the opinion of the said justice of the peace, shows the animal to be affected with glanders or farcy, order the veterinary surgeon to destroy such animal. Any such owner or keeper neglecting to carry out the provisions of this section, or in any way interfering with a veterinary surgeon, in the discharge of the duties imposed by this section shall be

liable, on summary conviction before a justice of the peace, to a fine not exceeding one hundred dollars.

3. Section six of the said Ordinance is hereby amended by inserting, after the word "burning," when it occurs, the words "or by burying at least six feet deep, having first thoroughly disinfected the carcass."

4. Section eight of the said Ordinance is hereby amended, by placing between the words "then" and "shall," the words "or who shall neglect" or refuse for ten days after he receives the writ (C.) of this Ordinance "to destroy the animal therein named and dispose of the carcass as by such writ he is ordered."

5. In cases where destruction of an animal shall be had under the provisions of this Ordinance and a veterinary surgeon, appointed by the Lieutenant-Governor, shall have acted and the fee provided shall not have been otherwise recovered, the fee of ten dollars may be paid by the Lieutenant-Governor out of the general revenue fund to such veterinary surgeon.

6. Form C is hereby expunged and the following substituted:—

FORM "C."

WRIT OF DESTRUCTION.

NORTH-WEST TERRITORIES. }  
To Wit: }

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland,  
QUEEN, Defender of the faith, etc., etc., etc.

To

GREETING :

I, or we, (*as the case may be*), command you that you do, without any delay, kill and destroy a certain (*here describe the animal*) at (*here describe where the animal is, or supposed to be*), owned by, or in the possession of C. D., on his premises, or elsewhere, or running at large, wherever the same may be found, and burn, or bury at least six feet deep, having first thoroughly disinfected the carcass, (*as the case may be*), the body thereof, so that the disease with which the animal is affected may not by infection or contagion spread. And I, or we, (*as the case may be*), do further command you that of the goods and chattels of the said C. D. liable to seizure under execution for debt, you do levy and make the sum of which I, or we, (*as the case may be*), have taxed, allowed and adjudged to A, B., the complainant, for his costs and charges in this matter against the said C. D., the party complained against, in pursuance of the Ordinance in such cases made and provided, as also the sum of dollars for executing this writ; and what you shall have done in the premises, made appear to me, or us, (*as the case may be*), immediately after the execution hereof and have then and there the said money and this writ.

Given under my or our (*as the case may be*), hand and seal

[Date.]

E. F.

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No. 16 OF 1884.

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*An Ordinance for the protection of Sheep and other Animals.*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Ordinance No. 19 of 1883 is hereby repealed.

2. Sections one and two of Ordinance No. 11 of 1881 are amended, by inserting after the word "sheep," when it occurs therein, the words "calves, colts, pigs and poultry;" and sections three and four are also amended, by inserting after the word "sheep," where it occurs therein, "or other animals, etc., as aforesaid."

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**No. 17 OF 1884.**

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*An Ordinance to amend Ordinance No. 5 of 1881, intituled  
"An Ordinance respecting mortgages and sales of  
personal property."*

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*[Passed 6th August, 1884.]*

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Section number two of Ordinance No. 5 of 1881 is hereby amended, by inserting after the words "registered as hereinafter provided," the words "within fifteen days from the execution thereof."

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**No. 18 OF 1884.**

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*An Ordinance to amend Ordinance No. 10 of 1879,  
intituled "An Ordinance respecting the Ordina-  
nances of the North-West Territories."*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

1. Sub-section number eight of section number three of the said Ordinance is hereby amended, by adding thereto the following words : "and the word, ' time ' shall mean standard time."

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No. 19 OF 1884.

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*An Ordinance to amend Ordinance No. 5 of 1879, intituled "An Ordinance Respecting Masters and Servants."*

[Passed 6th August 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

Section number two of Ordinance No. 5 of 1879, intituled "An Ordinance respecting Masters and Servants," is hereby amended by expunging therefrom the words "ill-behaviour," "refractory conduct," "or idleness," "or from the house or residence of his employer," "of any or either of the said offences," and the words "for every such offence."

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No. 20 OF 1884.

*An Ordinance to amend, and consolidate as amended, Ordinance No. 7 of 1878, providing for the appointment of Constables.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. It shall be lawful for any justice of the peace, in writing, to appoint one or more constables, whose powers and duties as such shall extend to the whole of the North-West Territories; such appointment to be in force for the time mentioned on the appointment, but shall at no time be longer in force than until the thirty-first day of December then next following the date of such appointment, or until any process on the said thirty-first day of December in his hands be executed.

2. Every constable so appointed shall, before entering on the duties of his office, take and subscribe before a justice of the peace the following oath :—

"I having been appointed Constable for the North-West Territories, do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office, according to the best of my skill and ability. So help me God."

3. Ordinance to provide for the appointment of Constables, No. 7 of 1878, is hereby repealed.

## No. 21 OF 1884.

*An Ordinance to amend and consolidate, as amended, the several Ordinances respecting the licensing of billiard and other tables and for the prevention of gambling.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows,—

1. No person shall carry on in the North-West Territories any of the callings, hereinafter mentioned, without having first obtained a license for that purpose, which license shall be issued by such person as the Lieutenant-Governor may authorize; and in every case the license shall expire on the thirtieth day of June next following the date thereof.

2. When the application for such license is made on or before the thirty-first day of December in any year, the applicant shall pay to the issuer the following fees:—

- (1.) Every billiard or pool table keeper, for a single table, forty dollars; for every additional table, twenty dollars;
- (2.) Every bagatelle, mississippi, pigeon-hole, or other gaming table or board with balls, twenty dollars;
- (3.) Every bowling alley keeper, twenty dollars;

but one-half of the said fees only shall be paid when such application is made after the thirty-first day of December in any year.

3. Each issuer of licenses shall make half-yearly returns of all licenses issued by him under this Ordinance to the Lieutenant-Governor, paying over to him, on account of the revenue of the Territories, all moneys received therefor, retaining thereout, for his services, ten per cent. of the moneys collected.

4. Any person who shall, without having first obtained a license, carry on any of the callings, or allow to be used for the purpose of play

thereon, for profit, any of the tables or boards hereinbefore named, shall be liable, on conviction before a justice of the peace, to a fine, for every such offence, of not less than one year's license fee, nor exceeding one hundred dollars, with costs of prosecution; and on non-payment thereof to be imprisoned for any term not exceeding three months; one half of which fine shall be payable on collection thereof to the informant.

5. Every description of gaming, and all playing of faro, cards, dice, or other game of chance, with betting or wagers for or stakes of money or other things of value, and all betting and wagering on any such games of chance is strictly prohibited and forbidden in the North-West Territories, and any person convicted before a justice of the peace of playing at, or allowing to be played at, on his premises, or assisting or being engaged in any way in any description of gaming as aforesaid, shall be liable to a fine, for every such offence, not exceeding one hundred dollars, with costs of prosecution, one-half of which fine shall, on collection, be payable to the informer; and on non-payment of such fine and costs forthwith after conviction, be imprisoned for any term not exceeding three months.

6. In order the more effectually to repress the offences specified in this Ordinance, every peace officer of the Territories is hereby authorized by force, if necessary, to enter any suspected place, to arrest therein on view, any person or persons found committing any of the offences aforesaid and bring him or them before a justice of the peace, to be dealt with according to law; and also to seize any tables and other instruments, and money and securities for money used in contravention of this Ordinance (except tables the subject of annual licences as aforesaid); and the justice of the peace shall, upon conviction of an offender under this Ordinance, order the said tables and other instruments to be forfeited and sold, or in the discretion of the convicting justice, destroyed, and the money so seized as aforesaid to be forfeited and applied together with the proceeds of sales, towards the revenues of the North-West Territories.

7. Any Ordinance heretofore in force in the North-West Territories, respecting the licensing of billiard and other tables and for the prevention of gambling is hereby repealed; but any licenses granted are confirmed.



## No. 22 OF 1884.

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*An Ordinance to authorize Corporations and Institutions, incorporated outside the North-West Territories, to transact business therein.*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. Where any institution, society or corporation, duly incorporated according to law, is authorized by its statute, charter or other instrument of incorporation, or articles of association, to lend money or follow the business of insurance of any description, in the Territories, (except the business of banking), such institution, association or corporation may apply for and, on supplying such proof, as may be required, of incorporation, receive from the Lieutenant-Governor a license authorizing it to carry on business in the Territories in its corporate name, on payment of the sum of twenty-five dollars annually.

2. Every corporation, association or institution obtaining such license as aforesaid, shall file in the office of the Lieutenant-Governor of the Territories a certified copy of the charter act of incorporation or article of association of such corporation, association or institution and also a power of attorney to the principal manager or agent thereof, resident in the Territories, signed by the president or managing director and secretary thereof, verified as to its authenticity by the statutory declaration of one of the appointers, or of any person cognizant of the facts for its verification.

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**No. 23 OF 1884.**

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*An Ordinance to amend Ordinance No. 11 of 1883, intituled "An Ordinance to enforce the destruction of the Canada Thistle and other Noxious Weeds."*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. Section one of Ordinance No. 11 of 1883 is hereby amended by adding the following sub-section thereto:—

(1.) The words "noxious weeds," wherever they occur herein, shall be held to mean wild mustard, cockle, Canada thistle, and wild oats, and no other kinds of weeds;

2. Section six of the said Ordinance is hereby amended by inserting therein after the word "thistle" the words "wild buckwheat."

## No. 24 OF 1884.

*An Ordinance relating to the duties of Justices of the Peace in cases of Appeals.*

[Passed 6th August, 1884.]

Whereas provision has been made by the Parliament of Canada for appeals from convictions by Justices of the Peace to a Stipendiary Magistrate ;

Therefore be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. Whenever any justice of the peace, before whom a conviction has taken place or by whom an order has been made, has received or shall hereafter receive, notice of the intention of the party feeling aggrieved by such order or conviction, of his intention to appeal and when such party has given proper security by recognizance with sureties for the penalty inflicted, if there be a penalty, and costs, and if there be no pecuniary penalty, then for the costs for prosecuting such appeal, such justice of the peace shall, within ten days after receipt of such notice, transmit through the post, by registered letter addressed to the clerk of the district court of the judicial district, whose office is nearest the place where the conviction was had, the information or complaint, the summons or warrant, or both, the evidence taken, together with the conviction or order made and all other documents and papers in connection with the case.

2. Every justice of the peace, failing to comply with the requirements of the preceding section of this Ordinance, shall upon proof of the service upon him of the notice of appeal, be liable to be proceeded against for contempt of court.



## No. 25 OF 1884.

*An Ordinance Respecting Ferries.**[Passed 6th August, 1884.]*

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

1. It shall be lawful for the Lieutenant-Governor at any time to issue a license to any person or persons for the establishment and usage of a ferry or ferries, upon any river or stream or navigable water in the North-West Territories, granting the exclusive right to ferry over the same during the time and within the limits specified and described in such license, and upon such terms, with such security and other arrangements as are hereinafter provided.

2. Such license shall —

- (1.) Not be granted for a longer term than three years;
- (2.) Nor for any greater limit than three miles up and three miles down stream from the point at which the ferry is to be placed, as specified in the license;
- (3.) Nor for any ferry other than such as may be known as a cable or swing ferry ;
- (4.) Nor for any ferry of which the boat or scow is not of sufficient capacity to carry safely one double wagon loaded to the extent of three thousand pounds, with two horses or other draught animals attached.

3. The maximum rate of tolls which may be charged for each crossing by means of a licensed ferry, under the preceding sections of this Ordinance, shall be as follows :—

- (1.) For any water six hundred feet wide or over, at low water mark, at any point within the limits of the operation of the license ; for every

(a.) Double vehicle, loaded or unloaded, including two horses or other draught animals and driver, 50 cents ;

(b) Vehicle loaded or unloaded, drawn by single horse or other animals, with driver, 25 cents ;

(c) Horse or other animal, with rider, 20 cents ;

(d) Horse, mule, ox or cow, without vehicle or rider, 5 cents ;

(e) Passenger, other than the driver of any single or double vehicle, or the rider of any animal, 5 cents ;

(f) Animal, more than two attached to any vehicle, 10 cents ;

(g) Pig, sheep, colt, calf or dog, 5 cents ;

(h) All articles or goods not in a vehicle, over one hundred pounds, per 100 pounds 2 cents ;

(i) Foot passenger, 10 cents.

(2.) For any stream or water less than six hundred feet wide, as provided in the preceding portion of this section, three-fourths the rates specified in the next preceding sub-sections shall be the maximum rates that may be charged.

4. The fee to be paid by a licensee on receiving a ferry license as hereinbefore provided shall be five dollars.

5. Notwithstanding anything contained in the preceding sections of this Ordinance, and where ferry licenses do not exist, the Lieutenant-Governor may grant ferry licenses at rates and on terms and conditions other than those specified in the said preceding sections, and may make a charge for the granting of a ferry license over and above the amount specified in section four of this Ordinance, and the amount of such charge shall be determined in the manner following :—

(1.) An advertisement shall be inserted in the newspaper published nearest the point at which the ferry is to run, asking for tenders of a yearly bonus to be paid for the license to ferry on the water within the limits advertised and at the rates advertised, continuously for two months previous to the date up to which tenders will be received, and notices of similar effect shall be posted up conspicuously for the same period at or in the immediate vicinity of the point where it is proposed the ferry shall run ;

(2.) Such advertisement and notice shall state the time, limits, rates and terms that shall be contained in the license, as well as the

— security required, and the date and place and by whom, under the authority of the Lieutenant-Governor, the tenders shall be opened and awarded;

(3.) Tenders may state a different amount of bonus for each year, over which the license is advertised to extend, and such bonus shall be payable in equal monthly instalments at the end of May, June, July, August, September and October, or such of these months as may be included in the time covered by the license ;

(4.) At the time and place mentioned in the advertisement and notices, the person therefor appointed shall open the tenders and award the license to the person making the most satisfactory tender with satisfactory security, but in case none of the tenders are satisfactory, then none need be accepted ;

(a.) The Lieutenant-Governor may advertise, as hereinbefore provided, that any such ferry license shall be sold by public auction, in which case the bonus shall be payable as hereinbefore provided, and such sale shall be conducted and license awarded according to the terms of the advertisement and notice of such sale.

6. The Lieutenant-Governor-in-Council, if such shall be deemed in the public interest, may grant a bonus to accompany a ferry license.

7. Licensed ferries shall be run at all hours of the day and night, Sundays included, at which they are required, unless in cases in which loss of life or injury to or loss of property is likely to result therefrom, but in every case in which a ferry is used after nine (9) o'clock in the evening or before six (6) o'clock in the morning, double the rates specified in the license of such ferry may be charged.

8. Notwithstanding anything contained elsewhere in this Ordinance no toll shall be charged on children going to or returning from school, and in no case shall Her Majesty's mail be obstructed, or charged more than the rates that may be charged according to the terms of license between the hours of six o'clock in the morning and nine o'clock in the evening.

9. In case a stream, to ferry which a license has been granted, becomes too low to work such boat or scow, as provided in section two, sub-section four, the licensee shall keep a row boat or canoe, with which he shall transfer foot passengers and baggage across such stream.

10. The approaches to every ferry shall be kept in such condition by the licensee that such ferry shall be easily accessible at all times for loaded double teams without danger of loss of or injury to property.



11. A ferry on any stream that may be fordable at any time shall not be used to block up or injure the ford or fords or landing from the usual ford or fords on such stream, nor shall the licensee do any act that shall in any reasonable degree make the fording of such stream any more difficult than it would have been without his having done such act.

12. The Lieutenant-Governor shall express and define in every ferry license granted the maximum rate of tolls, on payment of which persons and property shall be ferried over the river or stream within the limits to which such license applies, the kind and size of vessels to be used in such ferrying, the limits of river and length of time covered by such license and the provisions, reservations and liabilities provided in this Ordinance, shall apply to every such license.

13. It shall be the duty of every person holding a ferry license to keep at all times posted up in a conspicuous place on both sides of the river, as near as possible to such ferry, a schedule or clear statement, certified by the Clerk of the North-West Council, showing the ferry rates and the hours of crossing.

14. The Lieutenant-Governor shall, from time to time, appoint ferry inspectors, not having any interest in such ferry as owner, surety or otherwise, whose duty it shall be to report on the condition of such ferry or infractions of this Ordinance by the licensee, from time to time as requested by the Lieutenant-Governor, or on complaint of any party using or desiring to use any such ferry.

15. And if at any time a person holding a ferry license fails to comply with the written directions of an inspector, by neglecting to repair or not removing a vessel condemned, or not providing a suitable vessel within the time specified in such direction, he shall forfeit his license.

16. Before any license granted as hereinbefore provided shall take effect the licensee shall give to the Lieutenant-Governor a bond with one or more approved sureties, in a penal sum of one thousand dollars, conditioned for the faithful performance of the conditions hereinbefore set forth in every respect, and upon the death, removal from the Territories, or insolvency of any surety, or if required by the Lieutenant-Governor, the licensee shall substitute another similar bond with the like conditions and within the time named for such purpose by notice of the said Lieutenant-Governor.

17. Upon any licensee being convicted before a justice of the peace of violating any of the terms or conditions of his license or of this Ordinance, or of insulting or ill-treating any person travelling over or desiring to travel over such ferry, or wilfully injuring or harming any property in transit across such ferry, or neglecting to repair or not removing a vessel condemned by the inspector, or not providing a suitable vessel as directed by such inspector, he shall be liable to a fine not exceeding one

hundred dollars and cost of prosecution, and on non-payment thereof to be imprisoned for any period not exceeding three months, unless the fine and costs are sooner paid, and shall be further liable to forfeit his license under directions of the Lieutenant-Governor.

18. All moneys accruing from ferry license fees or bonuses, under this Ordinance, shall be paid into the General Revenue Fund of the North-West Territories.

19. No conviction shall be a bar to the ordinary civil remedies for damages in favor of the person upon whose complaint such conviction took place.

20. Every person holding a ferry license, and his sureties to the extent of the bond, shall be liable for all damages that may occur to persons and property while using such ferry from any carelessness of such licensee or his agent, or from any insufficiency in the strength or suitability of the appliances used for ferry purposes by such licensee or his agent.

21. Any person unlawfully interfering with the rights of any licensed ferryman by taking, carrying or conveying within the limit of such ferry license across the water on which the same is situate, any person or personal property, in any vessel or on any raft or other contrivance, for hire or reward, or hindering or interfering with such licenses in any way, such person shall, on conviction before a justice of the peace, be liable to the same penalties as are provided in section 17 of this ordinance.

22. If any person using such ferry refuses to pay the proper toll or rates chargeable for ferrying himself or his property, the person holding the license of such ferry may forthwith seize any property in possession of the offender there being ferried and hold the same, and on conviction before a justice of the peace, for non-payment as aforesaid, such offender shall be liable to a fine of fifty dollars, and in default of payment to an imprisonment not exceeding two months; for the payment of which fine, and the tolls unpaid, and the costs of prosecution the property so seized shall be liable for sale under a distress warrant.

23. A return of all ferry licenses granted during the previous year, with the rates allowed, fees collected or paid, names of the parties receiving the license, together with the location and description of the ferry, shall be submitted by the Lieutenant-Governor to the North-West Council at each legislative session.

24. Every Ordinance respecting ferries heretofore in force in the North-West Territories is hereby repealed, but licenses granted under the provisions of such Ordinances are hereby confirmed.

25. This Ordinance may be known as "The Ferry Ordinance of 1884."

No. 26 OF 1884.

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*An Ordinance Respecting Property and Civil Rights.*

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[Passed 6th August 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

1. In all matters of controversy relative to property and civil rights in the Territories, the laws of England, as they stood on the fifteenth day of July, A. D., 1870, are hereby declared to have been in force since such date, and shall govern and form the rule for decision of the same in the Territories, except in so far as the same have been since such date, or may be hereafter repealed, altered, varied, modified or affected by any act of the Imperial Parliament, made directly applicable to the North-West Territories, or the Parliament of Canada, or by Ordinance of the Lieutenant-Governor-in-Council.

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No. 27 OF 1884.

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*An Ordinance concerning Receipt Notes, Hire Receipts and Orders for Chattels.*

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Notwithstanding any condition, proviso, or agreement contained in any receipt note, hire receipt or order for chattels, given by a bailee of chattels where the condition of the bailment is such that the possession of the chattel should pass without any ownership therein being acquired by the bailee, the maker thereof shall be liable only for the amount due or to become due by him on such chattel; and such receipt note, hire receipt or order shall be of no effect as against judgments, executions or attachments issued out of any court in these Territories, or against any mortgagee or *bona fide* purchaser for a greater amount than that actually due or to become due on the said receipt note, hire receipt or order.

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No. 28 OF 1884.

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*An Ordinance Exempting certain Property from Seizure and Sale under Execution.*

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[Passed 6th August 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. The following personal and real estate are hereby declared free from seizure by virtue of all writs of execution issued by any court in these Territories, namely :

- (1.) The necessary and ordinary clothing of the defendant and his family ;
- (2.) The furniture and household furnishings belonging to the defendant and his family, to the value of two hundred dollars ;
- (3.) The necessary food for the defendant's family during six months, which may include grain, flour, or vegetable, and meat, either prepared for use or on foot ;
- (4.) Two cows, two oxen and one horse, or three horses or mules ; four sheep and two pigs, besides the animals the defendant may have chosen to keep for food purposes, and food for same for the months of November, December, January, February, March, and April, or for such of these months or portions thereof as may follow the date of seizure, provided such seizure be made between first of August and thirtieth day of April next ensuing ;
- (5.) The harness necessary for three animals, one wagon, one mower and horse rake, one breaking plow, one cross plow and one set harrows ;
- (6.) The books of a professional man ;
- (7.) The tools and necessities used by the defendant in the practice of his trade or profession to the value of two hundred dollars ;

- (8.) Seed grain sufficient to seed all his land under cultivation, not exceeding fifty acres, at the rate of two bushels per acre, defendant to have choice of seed, and fourteen bushels of potatoes ;
- (9.) The homestead of the defendant, provided the same be not more than eighty acres ; in case it be more, the surplus may be sold subject to any lien or incumbrance thereon ;
- (10.) The house, barns, stables and fences on defendant's farm, subject however as aforesaid.

2. The defendant shall be entitled to a choice from the greater quantity of the same kind of articles which are hereby exempted from seizure.

3. Nothing in this Ordinance shall exempt from seizure any article (except for the food, clothing and bedding of the defendant and his family) the price of which forms the subject matter of the judgment upon which execution against the defendant is issued.

4. No judgment or action for debts, contracted outside of the North-West Territories, shall be enforced against any settler coming into the said North-West Territories, within six years of the date of his arrival; provided always that nothing herein shall prevent the collection of debts, contracted outside the North-West Territories, for goods purchased to be brought into the said Territories, and provided further that nothing herein contained shall affect the rights of mortgagees, and shall not apply to debts nor contracts acknowledged in the said Territories, provided nevertheless that the Ordinance respecting limitation of actions shall not run during the said six years.

5. Ordinance No. 8 of 1879, or any Ordinance heretofore in force in the North-West Territories, exempting any property from seizure and sale under execution, is hereby repealed ; provided always that the provisions of Ordinance No. 8 of 1879 shall be held to apply to all debts contracted in the North-West Territories before the passage of this Ordinance.

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## No. 29 OF 1884.

*An Ordinance to Amend and Consolidate as Amended the several Ordinances respecting Fences.*

[Passed 6th August, 1884.]

Whereas it is expedient to amend and consolidate as amended the several Ordinances respecting fences;

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. In all parts of the Territories, not comprised within a Herd District, no action for damages caused to crops and fields by domestic animals shall be maintained unless such crops and fields are enclosed by a lawful fence.

2. North of township thirty, any substantial fence four feet six inches high shall be a lawful fence, if it consists:

- (1.) Of rails or boards, the lower one not more than one foot from the ground, the others not more than six inches apart, except the top one, which may be eight inches from the next lower rail;
- (2.) Of upright posts or boards not more than six inches apart;
- (3.) Of barbed wire and a substantial rail on the top, the wires to be not less than two in number, and the lower one not more than twenty inches from the ground;
- (4.) Of common wire and a substantial top rail, the wires to be not less than four in number, or more than one foot apart.

3. In all other parts of the Territories any substantial fence four feet six inches high shall be a lawful fence, if it consists:

- (1.) Of rails or boards, not less than three in number, the lower one not more than twenty inches from the ground;
- (2.) Of upright posts or boards not more than six inches apart;

(3.) Of barbed wire and a substantial rail on the top, the wires to be not less than two in number, and the lower one not more than twenty inches from the ground ;

(4.) Of common wire and a substantial top rail, the wires to be not less than three in number, or more than one foot apart.

4. In all parts of the Territories, any river bank, or other natural boundary, sufficient to keep domestic animals out of any enclosed land, shall be a lawful fence.

5. Whenever any owner or occupier of land erects a line or boundary fence, the owner or occupier of the adjoining land shall, as soon as he encloses it by connecting a cross fence with the said line fence, pay to the former the fair value of one half of so much of the said line fence as forms one side of the enclosure ; and each of the owners or occupiers of adjoining lands shall make, keep up, and repair a just proportion equal to one-half of the fence forming a boundary between them ; and any one of such persons failing to do so after one week's notice from his neighbor shall compensate such neighbor to the value of the work done in making and repairing the same.

6. In case any interested parties disagree as to what is a lawful fence, or as to the just proportion of a line fence, which each of the adjoining owners or occupiers should make or keep in repair, or render compensation therefor, on complaint of either of such parties made before a justice of peace, such justice may hear and determine such matter of dispute in a summary way.

7. The owner of any horse, mule or neat cattle which shall break into any field or enclosure surrounded by a lawful fence, shall be liable for all damages caused thereby, which damages may be recovered before a justice of the peace summarily.

8. Orders made by justices of the peace under any of the provisions of this Ordinance for the payment of moneys or costs shall, on non-payment for one month after such order, be enforceable by distress and sale of the delinquent's personal property liable to seizure under execution for debt, as in cases of summary convictions.

9. On and after the first day of September next after the passing hereof, any person putting up or having on his premises, a wire fence, without placing thereon a securely fastened and substantial top rail throughout its whole length, shall, upon conviction before a stipendiary magistrate or two justices of the peace, be liable to a penalty of not more than one hundred dollars, and in default of payment to imprisonment for not more than three months.

10. The preceding section shall only apply to the provisional districts of Alberta and Saskatchewan.

11. Ordinance No. 10, of 1878, intituled "An Ordinance respecting fences," Ordinance No. 10 of 1881, intituled "An Ordinance to amend an Ordinance respecting fences," and Ordinance No. 21 of 1883, intituled "An Ordinance to repeal No. 10 of 1881 and to amend Ordinance respecting fences No. 10 of 1878" are hereby repealed; but such repeal shall not affect any right acquired or liability incurred under the said Ordinances or any of them.



## No. 30 of 1884.

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An Ordinance Respecting Choses in Action.

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[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. Every debt and any chose in action, arising out of contract, shall be assignable at law, by any form of writing, which shall contain apt words in that behalf, but subject to such conditions and restrictions, in respect to the right of transfer, as may appertain to the original debt, or as may be connected with or be contained in the original contract, and the assignee thereof may bring an action thereon, in his own name, as the party might to whom the debt was originally owing or to whom the right of action originally arose, or he may proceed in respect of the same as though this Ordinance had not been passed.

2. The term "assignee," in the next preceding section, shall include any person now being or hereafter becoming entitled to any first or subsequent assignment or transfer or any derivative title to a debt or chose in action, and possessing, at the time of the suit or action being instituted, the whole and entire beneficial interest therein and the right to receive the subject or proceeds thereof, and to give effectual discharge therefor.

3. The plaintiff in any action or suit for the recovery of the subject of any assignment made in conformity with the two next preceding sections, shall in his statement of claim set forth briefly the chain of assignments showing how he claims title, but in all other respects the proceedings may be the same as if the action were brought in the name of the original creditor, or of the person to whom the cause of action accrued.

4. In case of any assignment of a debt or chose in action, arising out of contract, and not assignable by delivery, such assignment shall be subject to any defences or set-off in respect of the whole or any part of such debt or chose in action arising out of contract existing at the time of the notice of assignment to the debtor or person sought to be made liable, in the same manner and to the same extent as such defences or

set-off would be effectual in case there had been no assignment thereof, and such defences or set-off shall apply as between the debtor and any assignee of such debt or *chose in action* arising out of contract.

5. In case of any assignment made in conformity with the provisions hereof, and notice thereof given to the debtor or person liable in respect of the subject of such assignment, the assignee shall have, hold and enjoy the same, free of any claims, defences or equities which may have arisen subsequent to such notice by any act of the assignor or otherwise.

6. The bonds or debentures of corporations made payable to bearer, or any person named therein, or bearer, may be transferred by delivery alone; and such transfer shall vest the property in such bonds or debentures in the transferee or in the holder thereof, and any such holder may bring any action or suit on or in respect of any such bonds or debentures in his own name.

7. The proceedings in the next preceding six sections shall not be construed to apply to bills of exchange or promissory notes or instruments which are negotiable, or in respect of which the property therein passes by mere delivery.

## No. 31 OF 1884.

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*An Ordinance Respecting Preferential Assignments.*

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[Passed 6th August 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:—

1. In case any person being at the time in insolvent circumstances, or unable to pay his debts in full, or knowing himself to be or in fact being on the eve of insolvency, makes or causes to be made any gift, conveyance, assignment or transfer of any of his goods, chattels or effects, or delivers or makes over any bills, bonds, notes or other securities of property with intent to hinder, defeat or delay the creditors of such person or any of them, or with intent of giving one or more of the creditors of such persons a preference or priority over his other creditors or over any one or more of them, every such gift, conveyance, assignment, transfer or delivery shall be null and void as against the creditors of such person or any of them; but nothing in this section contained shall invalidate or make void any deed of assignment made and executed by any debtor for the purpose of paying and satisfying ratably and proportionably and without preference or priority all the creditors of such debtor their just debts; and nothing in this section contained shall invalidate or make void any *bona fide* sale of goods in the ordinary course of trade or calling to innocent purchasers.

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**No. 32 OF 1884.**

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*An Ordinance to Amend Ordinance No 14 of 1883, respecting the  
Construction of Chimneys.*

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[Passed 6th August 1884].

Whereas it is expedient to amend Ordinance No. 14 of 1883, respecting the construction of chimneys ;

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

1. Section number one is hereby repealed and the following substituted therefor :

“1. No person shall construct or use a chimney in any portion of the North-West Territories unless the same be constructed in some one of the ways provided by this Ordinance.”

2. Section number four is hereby repealed and the following substituted therefor :

“4. The provisions of this Ordinance shall not apply to farms or buildings ten chains distant from one another, and shall not apply to municipalities which have provided for the subject matter thereof.”

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**No. 33 OF 1884.**

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*An Ordinance to amend Ordinance No. 8 of 1883, respecting the  
Protection of Game.*

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[Passed 6th August, 1884.]

Whereas it is desirable to amend Ordinance No. 8 of 1883, respecting the protection of game;

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows:

1. Sections seven and eight are hereby repealed.
  2. Section seventeen is hereby amended by expunging the words "or fur-bearing animals"; also the comma following the words and inserting the word "or" between the words "birds" and "eggs."
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## No. 34 OF 1884.

*An Ordinance Respecting Inn, Hotel and Boarding-House Keepers.*

[Passed 6th August 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

1. Any hotel, boarding or lodging-house keeper in these Territories may detain in his hotel, house, or on his premises, and before the same shall have been removed therefrom, the trunks and personal property of any person who is indebted to him for board and lodging, and shall be responsible for the safe keeping of the same; and in addition to all remedies provided by law he shall have the right, in case the charges shall remain unpaid for three months, to sell by public auction the baggage and property of such guest, boarder or lodger, on posting and keeping posted during the period of one week, on the outside of the door of such inn, hotel, boarding or lodging-house, a notice of such intended sale, stating the name of the guest, boarder or lodger, the amount of his indebtedness, a description of the baggage or other property to be sold, the time and place of sale, and the name of the auctioneer, and after such sale such inn, hotel, boarding or lodging-house keeper may apply the proceeds of such sale in payment of the amount due to him as aforesaid and the costs of such advertising and sale; and he shall pay over the surplus, if any, to the person entitled thereto, on application being made by him therefor; and in case application therefor be not forthwith made, he shall immediately pay the same to the Lieutenant-Governor, to be kept by him for such owner for one year; after which time, if such owner has not previously claimed the amount so kept, the same shall form part of the General Revenue Fund of the Territories.

2. No hotel, boarding or lodging-house keeper shall have a right to detain the trunks or personal property of any one, or to have a lien thereon, for wines or spirituous or fermented liquors supplied to him or to any one else by his order.

3. No inn or hotel-keeper shall, after the passing of this Ordinance, be liable to make good to any guest of such inn or hotel-keeper any loss for injury to goods or property brought to his inn or hotel, (not being a



horse or other live animal or any gear appertaining thereto or any carriage), to a greater amount than two hundred dollars, except in the following cases, that is to say :

- (1.) When such goods or property shall have been stolen, lost or injured through the default or neglect of such inn or hotel-keeper or any servant in his employ ;
- (2.) When such goods or property shall have been deposited expressly for safe custody with such hotel or inn-keeper, provided always that, in case of such deposit, it shall be lawful for such inn or hotel-keeper, if he think fit, to require as a condition to his liability that such goods or property shall be deposited in a box or other receptacle fastened and sealed by the person depositing the same.

4. If any inn or hotel-keeper shall refuse to receive for safe custody as before mentioned any goods or property of his guest, or if any such guest shall, through any default of the inn or hotel-keeper, be unable to deposit such goods or property as aforesaid, the inn or hotel-keeper shall not be entitled to the benefit of this Ordinance in respect of such goods or property.

5. Every inn and hotel-keeper shall cause to be kept conspicuously posted in the office and public rooms in his inn or hotel a copy of this Ordinance printed or plainly written, and he shall be entitled to the benefits of this Ordinance in respect of such goods or property only as shall be brought to his inn or hotel, while such copy shall be so posted as aforesaid.

No. 35 OF 1884.

*An Ordinance respecting Keepers of Livery, Boarding and Sale Stables.*

[*Passed 6th August, 1884.*]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :

1. Any keeper of a livery stable or of a boarding or sale stable in these Territories may detain in his custody and possession and before the same shall have been removed out of his custody and possession, any animal, vehicle, harness, furnishings or other gear appertaining thereto and personal effects of any person who is indebted to him for stabling, boarding or caring for such animal.

2. Every livery stable keeper and every keeper of a boarding or sale stable shall be obliged to keep in his possession and shall be responsible for any animals or effects detained by him for the full period of such detention, unless they shall sooner be released, and if the owner does not claim and release any such animals and effects so detained within three months from the commencement of such detention, the person detaining the same may cause them to be sold by public auction, and after paying himself and the costs of the sale he shall pay over to the owner of such animals and effects the balance, if any, of the price thereof.

3. In case such owner cannot be found, then such balance shall be handed over to the clerk of the district court of the judicial district or division within which such stable is situate, to be kept by him for such owner for one year ; after which time, if such owner does not appear or claim the amount so kept, the same shall be paid over to the Lieutenant-Governor and form part of the General Revenue Fund of the Territories.

4. It shall be the duty of any such livery stable keeper and the keepers of boarding and sale stables to have a copy of this Ordinance conspicuously posted up in the office, and in at least two other conspicuous places in every such stable.

5. This Ordinance may be cited as "The Livery and Boarding-Stable Keepers' Ordinance."

## No. 36 OF 1884.

*An Ordinance to amend Ordinance No. 9 of 1883, intituled an Ordinance to regulate the disposal of Found and Stolen Horses.*

[Passed 6th August, 1884.]

Be it enacted by the Lieutenant-Governor of the North-West Territories, in Council, as follows :—

1. That section six, of the said Ordinance, be amended by striking out the words “the old mark, if any, being defaced.”



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